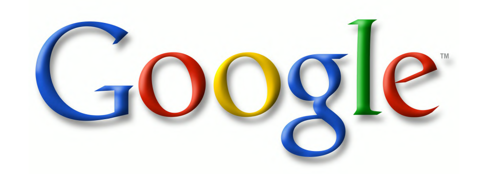
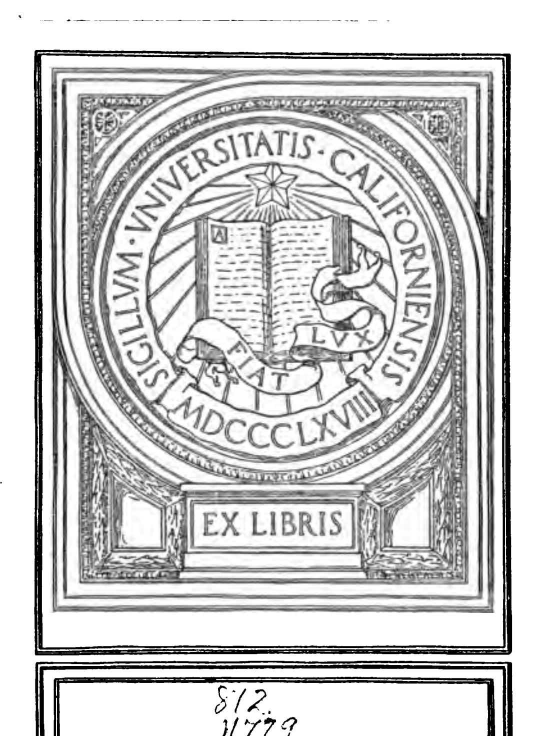



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*MONTESQUIEU*

# Great French Writers

Edited by J. J. Jusserand




MONTESQUIEU

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*Great French Writers*

# MONTESQUIEU

BY

ALBERT SOREL

Translated by

GUSTAVE MASSON, B.A. UNIV. GALLIC.,

OFFICIER D'ACADÉMIE,

ASSISTANT MASTER AND LIBRARIAN, HARROW SCHOOL

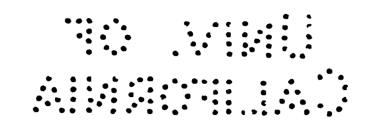
LONDON

GEORGE ROUTLEDGE AND SONS

BROADWAY, LUDGATE HILL

GLASGOW AND NEW YORK

1887



## GREAT FRENCH WRITERS.

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ORDER OF PUBLICATION :—

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# GREAT FRENCH WRITERS.

## STUDIES BY THE PRINCIPAL FRENCH AUTHORS OF THE DAY ON THE LIFE, WORKS, AND INFLUENCE OF THE PRINCIPAL FRENCH AUTHORS OF THE PAST.

Our nineteenth century, now drawing to a close, has shown from the first, and will bequeath to the next age, a vivid taste for historical research, to which it has brought an ardour, a method, crowned by a success unprecedented in former times. The story of the World and its inhabitants has been entirely re-written. The pickaxe of the archæologist has restored to light the bones of the heroes of Mycenæ and the very features of Sesostris. Ruins explained, hieroglyphs translated, have led to reconstituting the life of the illustrious dead, sometimes to penetrating into their thoughts.

With a still more intense passion, because it was blended with affection, our century has applied itself to reviving the great writers of all literatures, those depositaries of national genius and interpreters of national thought. France has not lacked scholars to undertake this task; they have published the works, and cleared up the biography of those illustrious men we cherish as our ancestors, and who contributed, even more efficiently than princes and captains, to the formation of modern France, not to say of the modern world.

For it is one of our glories that the sway of France has prevailed less by the power of arms than by the power of thought; and the action of our country upon the world has ever been independent of her military triumphs; indeed, she has been seen to predominate in the most distressing hours of her national history. Hence the great thinkers of our literature have an interest not only for their direct descendants, but also for a large European posterity scattered beyond our frontiers.

Initiators first, then popularisers, the French were the foremost, in the turmoil prevalent at the opening of the Middle Ages, to begin a new literature; the first songs heard by modern society in its cradle were French songs.' Like Gothic art and the institution of universities, mediæval literature commences in our country, thence expands throughout Europe. Here was the beginning.

But this literature was ignorant of the value of form, moderation, and reserve; it was too spontaneous, not sufficiently reflective, too heedless of questions of Art. The France of Louis the Fourteenth gave due honour to form, and was in the meanwhile the age of the revival of philosophy, of which Voltaire and Rousseau were to be the European apostles in the eighteenth century, awaiting the eclectic and scientific era in which we live; it was the period of the diffusion of literary doctrines. Had not this task been carried out as it was, the destiny of literatures would have been changed; Ariosto, Tasso, Camoens, Shakespeare, or Spenser, all the foreign writers together, those of the Renaissance and those subsequent, would not have sufficed to bring about this reform; and our age would perhaps never have known those impassioned poets, who have been at the same time perfect artists, freer than their precursors of old, purer in form than Boileau had ever dreamed: the Chéniers, Keats, Goethes, Lamartines, Léopardis.

Many works, the publication of which is amply justified by all these reasons, have therefore been devoted in our days to the great French writers. And yet, do these mighty and charming geniuses occupy in the present literature of the world the place which is due to them? In no wise, not even in France; and for sundry reasons.

In the first place, after having tardily received in the last century the revelations of Northern literature, feeling ashamed of our ignorance, we became impassioned for

foreign works, not without profit, but perhaps to excess, to the great prejudice at all events of our national ancestors. These ancestors, moreover, it has not been possible as yet to associate with our lives as we should have wished, and to mingle them in the current of our daily ideas; and this, precisely on account of the nature of the works that have been devoted to them, it has been no easy thing to do. For where do these dead revive? In their works, or in treatises on literature? That is a great deal, no doubt; and the beautiful and scholarly editions and the well-ordered treatises have rendered in our days this communion of souls less difficult. But that is not yet sufficient; we are accustomed nowadays to have everything made easy for us: grammars and sciences, like travelling, have been simplified; yesterday's impossibilities have become to-day's matters of course. This is why the old treatises on literature often repel us and complete editions do not attract. They are suitable for those studious hours, too few in the lives of busy men, but not for the leisure moments, which are more frequent. Thus the book to which all turn, and which opens of itself, is the latest novel; while the works of great men, complete and faultless, motionless like family portraits, venerated, but seldom contemplated, stand in their fine array on the high shelves of our libraries.

They are loved, yet neglected. Those great men seem too distant, too different, too learned, too inaccessible. The idea of an edition in many volumes, of the notes which divert our attention, of the scientific display which surrounds them, perhaps the vague recollection of school and classic studies, the juvenile task, oppress the mind; the idle hour we had to dispose of, has already flown away, and thus we acquire the habit of laying aside our old authors, like silent kings, careless of familiar converse with them.

The object of the present collection is to recall to our firesides those great men, whose temples are too rarely visited, and to revive between descendants and forefathers that union of ideas and purposes which alone can secure, notwithstanding the changes wrought by time, the unalloyed preservation of our national genius. In the volumes that are being published will be found precise information on the life, works, and influence of each of the writers conspicuous in universal literature, or representing an original side of French intellect. These books will be short, their price moderate; they will thus be accessible to everyone. They will be uniform in size, paper, print, with the specimen now before the reader. They will supply on doubtful points the latest results of literary research, and thereby may be useful even to the well read; they will contain no notes, as the name of the authors for each work will be a sufficient guarantee, the co-operation of the most able contemporary writers having been secured for the series. Finally, an accurate reproduction of an authentic portrait will enable readers to make in some degree the acquaintance by sight of our great writers.

In short, to recall the part they played, now better known, thanks to erudite researches; to strengthen their action on the present time; to tighten the bonds and revive the affection uniting us to the past ages of our literature; by contemplating the past, to inspire confidence in the future, and silence, if it be possible, the doleful voices of the disheartened,—such are our chief objects. We also believe that this series will have several other advantages. It is right that every generation should reckon up the riches bequeathed to it by its ancestors, learning thus to make a better use of them. Finally, there is no better test of the quality, power, and limitations of an age, than the verdict which it passes on the productions of the past. It judges itself while giving judgment on others. It is hoped that this series may be at once useful in facilitating the comprehension of former periods, and helpful to a knowledge of the present, if the scheme, favourably received by the public, should be carried on to final completeness.

J. J. JUSSERAND.

# PREFACE.

FEW modern French philosophers were better qualified than M. Albert Sorel to discuss the merits of Montesquieu, and assign to him his place in Messieurs Hachette's collection: *Les Grands Écrivains Français*. By his admiration of England, its constitution and its government, the illustrious author of *l'Esprit des Lois* was, on the other hand, specially entitled to the notice of the English public; and it is, therefore, with the fullest confidence and the sincerest pleasure, that we introduce to our readers the biography of one of the greatest thinkers of the last century, written by the gentleman to whom we are indebted for a most valuable work :—*l'Europe et la Révolution Française*. No one, assuredly, could appreciate more accurately the share which Montesquieu had in inspiring, directing, and modifying the progress of the great political crisis begun in 1789, and destined to influence, more or less, all the countries in the world.

We have added to this translation a few notes on points less familiar to ourselves than to French readers, and an alphabetical index.

*November* 1887.

# CHRONOLOGICAL TABLE.

| | | Synchronisms. |
|---|---|---|
| 1689 | (January 18th) Birth of Montesquieu | Racine's "Esther" performed at Saint-Cyr. |
| 1700 | Studies at Juilly under the Oratorians | Philip V proclaimed King of Spain. |
| 1711 | Leaves Juilly | Death of the Dauphin. |
| 1714 | (February 24) Councillor at the Bordeaux Parliament | Bull *Unigenitus*. |
| 1715 | Marries Jeanne de Lartigue (April 3) | Death of Louis XIV. |
| 1716 | (July 13) Named *Président à Mortier*—member of the *Académie* of Bordeaux | Law proposes his Financial System. |
| 719 | Sends to the press his "Histoire physique de la Terre ancienne et moderne" | Death of Madame de Maintenon. |
| 1721 | "Les Lettres Persanes" | Plague at Marseilles. |
| 1725 | "Le Temple de Gnide." Pronounces at Bordeaux an address on the duties of barristers | Death of the Czar Peter the Great. |
| 1726 | Leaves the magistracy | Voltaire in England. |
| 1728 | Elected a member of the *Académie Française*. Goes to Italy | Dean Swift publishes his "Gulliver." |
| 1729-31 | Resides in England | The Bull *Unigenitus* becomes law in France. |
| 1734 | "Considérations sur la Grandeur et la Décadence des Romains" | Labourdonnais Governor of the Islands of France and Bourbon. |
| 1745 | "Dialogue de Sylla et d'Eucrate" | Battle of Fontenoy. |
| 1748 | "L'Esprit des Lois" | Treaty of Aix-la-Chapelle. Richardson publishes his "Clarissa Harlowe." |
| 1749 | "L'Esprit des Lois" attacked both by the Jesuits (*Journal de Trévoux*) and the Jansenists (*Nouvelles Ecclésiastiques*) | Buffon begins the publication of his great work on Natural History. |
| 1750 | "Défense de 'l'Esprit des Lois.'" | Death of Marshal Saxe. |
| 1755 | (February 10th) Death of Montesquieu | Earthquake at Lisbon. |

# ERRATA.

Page 9, line 10, *for* "dying away in oblivion," *read* "crumbling into ruins."

P. 10, l. 13, *for* "its *modus operandi*," *read* "how it manifested itself."

P. 11, l. 2. *for* "Charles's birth," *read* "the birth of Charles Louis."

P. 11, l. 13, *for* "of which he ever," etc., *read* "which still reminds us of him."

P. 11, ll. 14-17, *for* "was . . . towered," *read* "is . . . towers."

P. 12, l. 17, *for* "denunciation," *read* "censure."

P. 12, l. 19, *for* "Montesquieu of La Brède," *read* "Montesquieu, La Brède."

P. 13, l. 5, *for* "aptitude," *read* "taste."

P. 13, l. 16, *for* "special reports," *read* "reports made for display."

# MONTESQUIEU.

## CHAPTER I.

### THE CHARACTER OF MONTESQUIEU.

THE *Lettres Persanes* appeared in 1721. This book created a marvellous sensation. Never was writer more in touch with his time, never were the secrets of society more delicately unveiled, its confused aspirations and hidden desires expressed with more trenchant clearness. Around him the author saw decay and ruin: social institutions venerable with the age of centuries, tottering to their fall; beliefs, customs, and manners, which had established and strengthened the monarchy in France, dying away in oblivion. He desired to analyse these growing evils and seek a remedy for them, not perceiving that in thus describing he was really helping to spread them; that his work, far from averting the dreaded crisis, was actually its gravest symptom. It was in no wise a warning or an appeal for reform, but rather the signal of a revolution for which each soul was already longing, as every passing event seemed to indicate more plainly the causes producing the threatened destruction.

In the *Lettres Persanes* is contained the germ of the *Esprit des Lois.* Montesquieu published them at the age of thirty-two. By birth, education, and earlier cast of thought, he belongs to the seventeenth century, and he shows in his life and works, as none has shown more clearly, how a democratic revolution sprang, while even its authors were unconscious of it, from the reign of Louis XIV,—that reign which seemed to have established the throne in France on indestructible bases. Let us, therefore, briefly consider the character and circumstances of the man at the time of the production of his first work, and try to define the nature of his genius, before we study its *modus operandi.*

Montesquieu was of gentle blood, of the *noblesse d'épée et de robe*, being born of a family distinguished by its soldiers and its lawyers. His house had in its time first embraced the Reformation and abjured it under Henry IV. Jacques de Secondat, the second son of the Baron de Montesquieu, *président à mortier* in the parliament of Guyenne, married in 1686 Françoise de Penel, who brought him the castle and estates of La Brède, near Bordeaux. Here, on the 18th January 1689, was born their son Charles Louis, the future author of *Esprit des Lois.* His father had the rare high-bred austereness characteristic of Vauban and Catinat; his mother was devout; both were of the autocratic type which seeks, as well from a fine sense of the duties and responsibilities of rank as from a feeling of religious obligation, to identify itself with the people and popular interests. A beggar chanced

to present himself at the Castle at the moment of Charles's birth:—he was requested to become the god-father of the child, who was thus to be through life reminded that "the poor are his brothers." So had formerly reasoned and acted Montaigne's father, a compatriot of the father of Montesquieu.

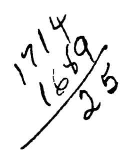
Charles bore at first the name of his patrimony, La Brède. His infancy was passed in the country, under the charge of some peasants to whom he was entrusted, and with whom he spent three years, gaining by their care strength of body and a practical knowledge of the *patois* of the district. He then returned to the castle of La Brède, of which he ever held a tender remembrance. This home of his childhood was a great thirteenth-century manor-house, absolutely without architectural ornament, consisting of a *donjon*, of which the massive, frowning, battlemented walls towered above a deep moat filled with water, and crossed by a drawbridge. Charles lived here until the age of seven years, when his mother died: he was then sent to the Oratorians at Juilly, where he remained from 1700 to 1711. The educational system to which he was now subjected, involving, as it necessarily did, a complete detachment from family life, was by no means conducive to the development of the affections. And, indeed, this nature with which the Oratorians had to deal was in no wise one sensitive or susceptible, but was rather characterised by a contented reflective humour, untinctured by the least melancholy. We might naturally suppose that a mind, exposed during its earlier

development to ecclesiastical influence, would be strongly drawn to religion, or at least inclined in the direction of spiritual thought. In the present instance, this was not so. Notwithstanding a predisposition to a respectful mental attitude towards religion, induced by the early teaching of his mother, the education in Letters and in the Classics which Montesquieu received at the Oratory led the way to indifference and scepticism. At the age of twenty he produced a work in refutation of the view that the philosophers of the heathen world merit eternal damnation. The leaning to Stoicism apparent in Montesquieu throughout his life, forming the substratum of his philosophy, was the direct result of his studies in the Latin authors; and once emancipated from control, he added thereto a strong commixture of Pyrrhonism, of which a tradition still lingered in the society of the Temple, in defiance of denunciation, the Sorbonne, and the lieutenant of police.

Montesquieu of La Brède—as he ought still to be called at this period of his life—went through a course of legal study, and was entered as Counsellor in the parliament of Bordeaux in 1714. In the following year he married Mademoiselle Jeanne de Lartigue, whose family, with its military traditions, was of Calvinistic origin. This young lady was more distinguished by her goodness than by her beauty, and was too timid and retiring in disposition and manner to be attractive. Of this marriage three children were born—a boy and two girls. In the year of his son's birth (1716) La Brède became *président à mortier;* his

uncle, the head of the family, who held this office, having bequeathed it to him, together with all his property, conditionally on his taking the title of Montesquieu. Never was legacy more fitly devised, at least as regards the title: for the official post Montesquieu showed little aptitude. His family and profession occupied but little place in his life, and while duly discharging the duties required of him in his relations to each, he dismissed them from his mind as speedily as was compatible with decorum. Society and its attractions were very pleasant to him, and he liked to be lured by their charms. To legal suits and actions he showed an absolute indifference, detested the *Basoche*, and held all advocates and petitioners in high disdain alike. Possessing no gift of oratory, he felt himself equal neither to the delivery of solemn addresses, nor even to the special reports so dear to the pride of the magistracy. In the quest of knowledge and the joy of thought, his mental activity was absorbed, and he found a congenial atmosphere in the social life of Bordeaux, in which, by virtue of his rank and position, he held a foremost place.

"The profession of the law, holding, as it did, a middle place between the *Grande noblesse* and the people," opened out the widest sphere to the keen political observer. In the provinces it formed a centre for the enlightened community, and Bordeaux was a town in which intellectual culture was peculiarly honoured. It possessed an Academy for "polishing and bringing to perfection the admirable talents that nature so freely



bestows upon the men born in this climate." So run the words of the founder of the society. Montesquieu was, in some sort by right, received therein: he produced an essay entitled *La Politique des Romains dans la Religion*, and another treating of *Le Système des Idées*, and then threw himself into the study of science. Through the impetus given by Newton, the observations on and study of nature were in process of emancipation from the trammels of confused compilations and mythical idea. Montesquieu devoted himself for a time to researches in anatomy, botany, and natural philosophy: applying himself to the study of the renal glands, and investigating the causes productive of echo, and the *rationale* of transparency in bodies. But the weakness of sight, from which he always suffered, made all experiments difficult to him, and his impatient spirit led him to be intolerant of their laboriousness and sterility.

He was incapable of the minuteness of attention which forms so essential a part of the genius of scientific discovery, and which Goethe associates with creative imagination. Montesquieu would at once deduce an inference. He delights in broad sketch and boldness of outline. Of him was the conception—prior to that of Buffon—of a physical history of the ancient and modern globe; and in 1719 he sent forth circulars throughout the scientific world inviting observations on the subject. In the course of his explorations in the past of the universe he encountered *Man*, and paused to make him the object of his contemplation: here, becoming conscious of the

true bent of his genius, he then and henceforth set himself to the accomplishment of its destiny. But from his scientific excursions and experiments he reaped the benefit in a conception of science, a method of work, and an instinct in experiment, of which the traces are perceptible in his political and historical works.

Thus did he form himself. The mental individuality of the man at the age of thirty was that which, with but slight modification, distinguished him at the end of his life. Few writers so profoundly influencing their century have associated themselves so little with the course of events in that century. The private life of Montesquieu is void of interest: in no sense is it illustrative of his works. Both as gentleman and thinker he would have considered as an impertinence all speculation concerning his personality: he would have felt guilty of a like impertinence in seeking to occupy the attention of others with the subject. By his works he desired to be known, and by his works only can we form an idea of his opinions and of his life.

Of middle height, of slight and nervous frame, his face was refined and somewhat long, with a strongly marked profile—the profile of a medal;—the nose was large, the mouth delicate, satirical, and sensual; the forehead tending slightly to recede, the eyes widely opened, and, though prematurely dimmed and weakened, always full of fire and genius, and *hungering* for light. "I look at the light," he says, "with a kind of rapture." His was a French

physiognomy with distinctively *Gascon* modifications: he possessed the characteristics of each type.

The *radix* is Gascon, and the Gascon nature predominates. Of his origin Montesquieu retains not only the accent, which he much affects, but the manner, the *gasconnade*, using the term in a favourable sense; wit is, as it were, a point of honour with him. His conversation was rich in surprise, in sally, and in brilliant repartee; much of his conversational *verve* is traceable in his style: the somewhat abrupt ellipses, the numberless digressions, the flashes of simple eloquence and sparkle of frolic and raillery,—in a word, the carelessness of familiar talk. A freedom occasionally bordering on licence is observable: it is the effect of a redundant memory and an exuberant spirit. Montesquieu finds in Montaigne a perpetual charm: he delights in him, feeds on his spirit, and at times almost reproduces him. Like Montaigne, he has the insatiable curiosity, the thirst for knowledge, which give to the mind a perennial youth. "I spend my life in examining; everything interests, everything surprises me; I am like a child whose organs, still tender, are vividly struck by the most insignificant objects." Possessed by the passion of reading, he travels through his library; he walks in it, hunts in it, and in it gathers spoil; his books are defaced with notes. This *battue* constantly animates and fertilises his thought. He is charmed with all significant anecdote, with the idiosyncrasies of a man or a country, even with the slight and merely amusing story illustrative of the folly and good-nature of man in every age. These he

collects and treasures up, and when opportunity occurs, cannot resist the pleasure of retailing them. Many of the oddities, allegations, and strange citations with which we are so unexpectedly confronted in the profoundest chapters of the *Esprit des Lois* proceed solely from the natural sense of humour so strong in Montesquieu.

Thus with respect to the laws "which form political liberty in its relation to the constitution," he cites Arribas, king of Epirus, and the laws of the Molossi. What business have Arribas and the Molossi here? asks a critic. They show us that our author has read Montaigne and is of his country. But Montesquieu is at the same time French—of France in earnest and reflecting. Montaigne's thought is discursive: Montesquieu's thought is, as it were, impelled to concentration. He has a passion for order, method, and continuity; with him there must be deliberation in all things, and a grasp of the correspondence and correlation of causes. The most wonderful collection of rarities does not content him; nor is he satisfied with conducting amateurs through his gallery, and maliciously enjoying their astonishment at the variety of form and infinite renewal of contrast presented to their view. He must perforce explain to them and to himself the prodigious diversity of nature, discover laws in the apparent confusion of facts, and surprise by similitudes even more than by oppositions. "Our soul is formed for thought, that is to say, for perception: now such a being ought to possess curiosity; for, as all things are linked together, forming a chain in which each idea

is preceded and followed by another, one cannot wish to see one thing without desiring to see another." This is the curiosity of the scholar and historian.

But such curiosity implies complete independence of judgment: this Montesquieu essentially possessed. It is impossible to conceive a more truly liberal and unprejudiced mind. Still, though exempt from superstitious errors, he was at one time influenced by those of scepticism. During his youth, in the reaction resultant on the orthodoxy of the latter years of Louis XIV, he announced himself a freethinker, carrying liberty of thought and independence in matters of faith to the verge of irreverence, if not to hostility. But this disposition of mind was not a lasting one. The mere contemplation of the inherent order in facts and ideas shook his scepticism, and the closer study of social institutions inspired him with respect for religion. Nevertheless, as Sainte-Beuve has remarked, it was chiefly as a political thinker and historian that he paid homage to "the elevation and idealisation of human nature"; he received and accepted the ideas of justice and religion in their positive and practical sense, rather than by virtue of their essence. For metaphysics he had positively no aptitude; primary causes seemed to him inaccessible, and he did not seek to apprehend them, but confined his attention to secondary causes, which produce effects plainly visible, being, indeed, matters of experience. He restricted his speculations to the earth, not extending them beyond the earthly life of man; and, in regard of all that lies outside

the world and its history, was content to leave it to intuition—the instinct of a sentient and accountable being, clinging, as a last resource, to the beautiful visions which nourish human hope, and which, in their very mystery, seemed to him the most satisfactory solution of the problem of his destiny that man has yet discovered.

"What is the need of so much philosophy? God is so high that we do not perceive even the clouds which surround Him. We know Him well, only through the precepts which He has given us. These precepts are engraved in us, and social instinct develops them in our souls in proportion as it leads us to make up a society. Supposing there was no God, we should still cherish justice, that is to say, do our best to resemble that Being of whom we have so grand an idea, and who, if He existed, would be continually just. Free from the yoke of religion, we ought not to be free from that of equity. Supposing the immortality of the soul were an error, I should be sorry not to believe in it. I acknowledge that I have not reached the humility of atheists. I know not how they think; but, for my part, I will not barter the idea of my immortality for that of a happiness which lasts one day. I am delighted at believing myself immortal as God Himself. Independently of revealed ideas, metaphysical ones give me a very strong hope of my eternal happiness—a hope which I would not renounce."

Thus we find Montesquieu almost in virtual agreement with Pascal—from a practical point of view,—led thither not by anguish of mind and despairing reason, but by

the direction of wisdom and a scorn of the hypotheses of schoolmen and of arbitrary systems, by the good-sense of the citizen, and, above all, by the perception of the legislator: by a recognition of social needs, and by the esteem in which he holds the human species. He had a marked leaning to the spirit of the ancients; of Marcus Aurelius and the Antonines—"the greatest subject in nature"—he says: "Born for society, they believed it to be their destiny to work for it." In all his works one finds this vein of Stoicism, modified by French urbanity, and impregnated with the modern feeling for humanity,—but hardly with charity. Montesquieu, who never entirely understood the nature of the mission of Christianity to the civilised world, appears to have never been influenced by *Christian* loving-kindness. His disposition was kindly, and he was much inclined to generosity. "I have never," he says, "seen tears shed by anyone without being touched. I feel compassion—I have a feeling of humanity—for those who are unhappy, as if mankind was composed of such alone." But he dreaded the manifestation of emotion: he thought that "a fine action must of necessity be a good one, and one that calls forth effort in the performance." Still, his self-imposed constraint amounted to affectation; his contempt of false sentiment expressed itself practically in coldness; and the exaggerated fear of seeming to be the dupe of feeling, and appearing to seek a reputation for benevolence, deprived him of the grateful thanks of those whom he served.

A certain shyness and much timidity formed part of this

reserve. Montesquieu himself tells us that this shyness was the scourge of his life, and that he suffered from it especially in the presence of such as were of dull understanding. One can fancy that he sometimes suffered from it also when in the society of women, in which at all times he found pleasure. He delighted in feeling the power of a woman's charm, and sometimes made his own fascination acknowledged; though he loved without fire, without fear—in a word, without romance—his love was full of brightness and radiant with wit, seeking rather to be amused than to expend itself in tenderness. More intense in study than in love, he displayed in the matter of feeling the same curiosity, tempered however by society; if he had love-affairs, they troubled him little; if deceived, he speedily found consolation; and if he often yielded to fascination, he never abandoned himself to its sway. He says: "I was happy enough in my youth to be possessed of an attachment for women, and I thought they returned my affection; as soon as I ceased to believe this, I immediately broke off all intercourse with them." Montesquieu was inclined to libertinism, and as his writings bear traces of it this notice of the fact was necessary here. It is the sign and the special vice of his time. Our knowledge of him would be but imperfect did we not glance, in passing by, at this new aspect in which he is presented to us—as the leading spirit of the boudoir and the gallant president,—the rival, so far as merry-making parties were concerned, of his brother presidents Hénault and de Brosses.

He has somewhere remarked, that "the society of women injures the moral sense and forms the taste"; but in his own case it would seem that such society, though it did not deaden the moral sense, did vitiate the taste. It was for the pleasure of the women he found so attractive that certain pamphlets, unworthy of his reputation, were written, and that his finest work is sullied by a licentious touch. This blemish, indeed, was the cause of his being read by the fashionables of that time; and though at the present day it is the obstacle to the knowledge of Montesquieu in the fashionable world, the reason is not to be sought in its graver thought and purer taste; it is simply change of fashion, and fashion in such an atmosphere and in like matters is the most intolerant of critics. The tone of libertinism—studied and affected in Fontenelle, ironical and deliberate in Montesquieu, cynical and degrading in Voltaire, gross in Rousseau, and shamelessly coarse in Diderot—became ceremonious and pompous in Chateaubriand, theatrical in the Romanticists, and pedantic, pathological, and melancholy in the school which followed. There is infinite distance between the hysterical jargon of this school and the freedom in which Montesquieu indulges; both he and his contemporaries would have been overpowered by the noxious vapours engendered by that literature, and would have turned in unutterable disgust from the insufferable dulness which would have produced in them, what of all things they dreaded—boredom. Of this unpardonable offence Montesquieu is never guilty. This is because he is amusing in such interludes,

never wearying by monotonous reiteration, and heedful not to confound the motive of the vignette with the subject of which he is treating. He is frivolous as he is curious, purely by way of diversion, and in the frolic of his Gascon vivacity; but the thinker always recalls the vagrant to the highway—the philosopher always has the last word.

Montesquieu's pride in the dignity of his name was great. This well-born gentleman gloried in his birth, and his descent from a conquering race. "Our ancestors the Germans, warriors and freemen"—this thought, recurring so often and in so many forms in his writing, is with him a fundamental idea, the expression of a primordial prejudice or prepossession in which he delights, not seeking to make it a subject of self-remonstrance, but on the contrary strengthening it by study. He says complacently: "My lands, my vassals"; and the dry subject of fiefs, which disconcerts and alarms his contemporaries, is to him full of a personal and genealogical charm.

But the feudalist is allied to the legist: if he has no pleasure in his office, he has a passionate belief in the prerogatives pertaining to the body of which he is a member; and the spirit of antiquity on which he was nourished infuses into his revendication of feudal liberties a certain republican pride directly proceeding from Rome: "I have seen, from afar, in Plutarch's works, what constituted great men." His communing with the ancients had developed in him the intuitive perception of what is great —also a vigour of soul, and an ardent admiration for

political virtues of which the tradition had almost died out, but which he contributed not a little to revive in France. He has a hatred for depreciation and the faculty of admiration; he forms for himself a gallery of national heroes —"the exceptional men who would have been acknowledged by the Romans"—those of whom one can say, as has been said of Turenne, that their life has been a "hymn in praise of humanity." Montesquieu's grandest pages are portraits of the founders of empires. He is above all, and before all things, a citizen. "Is it not," says he, "a noble design to do our best to leave after us men happier than we have been ourselves?" "I have naturally felt anxious for the welfare and the honour of my native country; I have always felt a secret joy whenever some rule was laid down tending to the common weal."

To have been an instrument in that direction would have brought sweetness into his soul, and at one time he eagerly desired to give himself to this service, esteeming it the highest honour. But he was contemned at court: the slight wounded him not a little; and the bitterness which this treatment produced in him is manifest in many a touch, recalling La Bruyère in feeling and expression: "I began by entertaining a childish dread of all persons of high social rank; as soon as I became acquainted with them, I went on without transition to contempt." "I said to one man: 'For shame! your sentiments are as base as those of a man of quality.'" The affront coming from Versailles must have wounded

Montesquieu the more deeply inasmuch as his nature was essentially modest. All affectation of superiority offended his taste; "authors," he remarked, "are theatrical characters."

He could not comprehend the feeling of hatred, which seemed to him a really painful one: "Wherever I find envy, I take a delight in driving it to despair." Only with such as were on intimate terms with him did he unbend; in those families where he could get on with "his every-day humour." His humour was marvellously quick, supple, and sparkling, completely fascinating and even dazzling his friends; but his indifferent acquaintance, to whom only the echo of his conversation was allowed to reach, were wont to accuse him of economising this brilliancy. It pleased him often to abstract himself, thus avoiding the trouble of listening to, and the still greater trouble of contradicting, obtrusive persons; he therefore appeared singularly tolerant of them. Keenly observant from his higher level, he shunned discussion—and sat "composing his work in society," as was somewhat resentfully remarked by a lady of rank, in whose company, so the story runs, he indulged too much in meditation.

Montesquieu was the best of friends—the kindest, the most lovable, and the most beloved; but he knew the value of retirement, and sought it, whenever he felt it necessary to him in his vocation of thinker. With a placid temperament, he had uniformly good health; the current of his thought was clear and rapid, and he possessed, in an unlimited degree, the faculty of absorbing

himself in study,—"for I have never had any sorrow which an hour's reading did not dissipate. . . ." "If we merely wished to be happy, the problem would be soon solved; but we aim at being happier than others, and *there* is the difficulty, because we fancy others happier than they really are." This may be a theory of profound wisdom, possibly too profound to be applied where the imagination and the heart, so apt to disconcert theory, are concerned. But, though benevolent and humane, Montesquieu had no sensitive temperament, and never allowed an attachment to bring grief to his soul or pierce his heart with anguish: we can always perceive the foundation of stoicism partly hidden, or, as it were, sprinkled with the lightness of the Gascon nature. Plants which grow in such a soil overflow indeed with sap, and bear fruit of richest juiciness, but they neither put forth verdure nor give shade.

Though profound and brilliant, Montesquieu might have been dry, had not his genius comprehended the artist as well as the observer, the inquirer, and the thinker. He has the cult of the poetry of antiquity as he has the cult of its polity. "Antiquity delights me, and I always feel ready to exclaim, with Pliny: 'You are going to Athens; well, respect the gods.'" He enjoys that "smiling air spread throughout mythology." *Télémaque* he considers "the divine work of this century." With the exception of *Manon Lescaut*, which must have pleased him, but which he could only have read in his maturer years, the much-spun-out romances published in his lifetime,

devoid, as they were, of either observation or style, deterred him from seeking to know the contemporary imaginative literature: the dreary, cold, and mechanical versification of the period indisposed him for the study of its poetry: in Montaigne and the ancients only, he thought, is poetry to be found. He piques himself on writing as a gentleman and not as a pedant: his thought rushes forth as it arose—spontaneously, glowing in sally and imagery; but he reviews it deliberately and often,—he revises, alters, corrects, till in the end he writes as an author who has criticised his task and determined his style. "The quality which, as a rule, characterises a great thought, is when a thing is said which reveals to us a number of other things, and when some one causes us to discover at once what we could not hope to find out except after long reading."

Thus does Montesquieu appear to us in his maturity, towards the year 1720. In soul, mind, and character reigned an admirable moderation, balancing one by the other an extraordinary diversity of gifts rarely bestowed by nature on one man; and if this combination of qualities falls somewhat short of supreme French genius, it embraces at least the deepest thought and intelligence of France. And France may have had sublimer philosophers, bolder thinkers; writers of more eloquence, more pathos, and more painful vividness; art-creators, with greater wealth of imaginative power and more redundancy of ornament; but she has had no more judicious observer of human society, no wiser counsellor in great

matters of public import; and no son of hers has united so subtle a sense of individual passions with such a vast comprehension of the institutions of a state, finally giving to the service of his perfect good-sense such pre-eminent literary talent. "My mind," said Montesquieu, "is as a mould; there is no variety in the portraits you get out of it." These portraits have been preceded by their respective studies and sketches, and many of the great historical figures which compose Montesquieu's gallery are drawn from the life. Let us consider the first subjects that present themselves for his portrayal: they are the foremost men and events of the Regency, than which no society more readily discloses its secrets, and more audaciously provokes satire.

## CHAPTER II.

### THE "LETTRES PERSANES."

LOUIS XIV has just passed away. His sun has set in lurid and majestic splendour, but his contemporaries pause not to admire the twilight of a great reign, for they are glad with the joy of a great deliverance. No one regrets the king; he has too pitilessly enforced "that dependence which has reduced all to subjection." Saint-Simon tells us that "the provinces, given up to despair in their utter ruin and annihilation, breathed once more freely, and trembled with gladness; the parliaments and the judicature in general, crushed by edicts and evocations, rose with renewed hope of life and power; the people, heart-stricken, suffering, and hopeless, gave thanks to God, amid ungovernable rejoicing, for a deliverance no longer pictured in their wildest dreams." But in Montesquieu's world, among the wits and free-thinkers, no one thought of thanking God; there, on the contrary, the prevailing sense of liberation expressed itself in an unbridled libertinism which overleaped every barrier in its career.

Indeed, the career of libertinism had never been interrupted; the tradition of it, as Sainte-Beuve remarks, came

"directly and uninterruptedly" from the Renaissance to the Fronde, from the Fronde to the Regency, through Retz, Saint-Évremond, Vendôme, Bayle—the Epicureans and Pyrrhonists. "The reign of Louis XIV is, so to speak, undermined by it." This prince and his ecclesiastical counsellors thought their extermination of heterodoxy a grand and wonderful work: Huguenots, Jansenists, all who claimed, in matters of faith, the right of following the dictates of conscience and the leading of heavenly grace, were persecuted, proscribed, and ruined; but the foe who made every soul his fastness was unheeded: the spirit of incredulity, of all enemies that had threatened the Church since the day of Leo X, the most formidable; for it was calm, deliberate, and imperturbable as the *Zeit-geist.* The atheists in their negation professed an assurance absolute and magnificent as that of a Bossuet in his faith. "The great heresy of the world," wrote Nicole, "is no longer Calvinism or Lutheranism—it is Atheism."

By the suppression of the spirit of Christianity as manifested in Reform and Jansenism, freer play was given to the spirit of the Renaissance, which was, after all, that of pagan antiquity. The king had introduced the manners of Olympus, and the effect of his example was of course more powerful than any number of edicts. Bossuet's Scriptural polity could not prevail against the code of morals borrowed from mythology by Louis. And though in the conversion of his old age the king sought by penance to atone for the evil he had caused, he could

compel his subjects to no more than an odious mockery of amendment. Profligacy went forth masked, or lay hidden at home. But under the Regency all need for dissimulation ceased. The triumph of Vice succeeded the parade of devotion, and the disciples of Tartuffe had promptly to make way for the followers of Don Juan. And now, everything is called in question, discussed, shaken to the very foundation. The faithful, absorbed in the overwhelming interest called forth by the Bull *Unigenitus*, leave their mother the Church exposed, by the breaches in her defences caused by her children's quarrels, to attacks from the unfriendly. Politics are being utterly corrupted by Dubois, while the Social economy is recklessly endangered by Law. The vices of the nobility only have been hitherto promoted, but now the hideous encouragement of evil is extended to all classes. And yet no one suspects, no one foresees, that this mad tumult of thought and passion threatens the very existence of France. Hope dawns brightly on the new reign, and in the sense of infinite possibility which it brings, no peril is seen, or, if seen, is not feared.

Montesquieu, carried away by the general movement, shares the prevailing spirit. A noble, and an administrator of the law; a *frondeur* to boot, and crafty but generous withal; ardent for reform, and given to the indulging of illusion; eager for glory, anxious to please, his most cherished dreams the enlightenment of his country and the creation of a brilliant reputation in society,—this Montesquieu is attacked with "the disease of making

books"—a fate, indeed, to which he was born; but, careful of his person, and fearful of sinning against the *bienséances* of his order, wishful, moreover, to avoid scandal, and still more wishful to avoid any risk, he seeks for the expression of his thoughts a medium sufficiently transparent to stimulate curiosity, yet subtle enough to lull the suspicions of censors. So he supposes that two Persians—Usbek, the blithe and sarcastic, and Rica, the sedate and contemplative—come to visit Europe, naturally communicate their impressions thereof, enlighten their Persian friends on European affairs, being by them apprised of Persian news. The conceit was not original, but it signifies little to us whether or no Montesquieu borrowed from Dufresny: he was doubtless equal to the conception, and, at all events, he made it his own. Chardin suggested Persia to him. He found a special charm in this traveller's pleasant chronicles, from whence he derived his theory of despotism and his ideas on climate. The species of story or romance interwoven with the letters, and the choice of its surroundings, may also be traced to the same source, and this portion of the work is the most controvertible: it was then all the fashion, but now is quite out of date.

In the *Thousand and One Nights*, in which Montesquieu delighted, he would have found the essential components of a charming picture of Eastern legend; but this thought did not occur to him. His novel reminds us, though it has less voluptuous grace, of the writings of Crébillon *fils;* to a certain extent, but with less ease and agreeable

improbability, of Hamilton's style. There is a wholly unnecessary attempt at precision in this doubtful and rather unpleasing narrative. Had Montesquieu simply reproduced the details of Chardin's information on manners and customs, such *minutiæ* would perhaps have been admissible as supplying local colouring; but he did nothing of the kind. Retouching the traveller's sketches, he extravagantly colours them in libertine fashion. "Modesty," Chardin somewhere observes, "forbids us even to remember what we have heard on such a subject." But Montesquieu has not this personal knowledge; he merely indulges in flights of fancy, and his descriptions are not always seemly. The gaudily-coloured harem-pictures have about them more of the Gascon than of the Persian elements, and the illustrations of polygamy are more European than Oriental; the result of his work is a caricature so weak, extravagant, and, if one may say so, *stale*, that it irritates and disgusts. Montesquieu evolves tragedy as well as licentiousness from Chardin's ill-used chronicle: his Persians are the victims of a dark and corroding jealousy. "Unhappy man that I am!" cries Usbek, "I long again to see my country; and there, perhaps, I shall be more unhappy still! Ah, what should I do there! . . . . I shall enter the Seraglio, then must I hear of that fatal period of my absence. . . . Woe is me, should Destiny will that the condemnation pronounced by myself be the eternal sign of my confusion and despair!" He speaks in an awful voice of "those fatal doors that open but to him." They who guard them are not "the

aged slaves, fantastic and deformed," to whom Chardin alludes, but the ranting victims of a remorseless Fate: verily they suggest to us the idea of posthumous Abelards and of anticipated Triboulets! These eunuchs, we find, were profoundly learned, and acted as tutors to the high-born youth of Persia: one of them, indeed, must have travelled as far as the Valais, and there undertaken the education of Saint-Preux.

Such are the weaknesses of the book, and they contributed at the time to its success; but the fashion has changed, as ours will presently do. Let us now consider the excellences of the work which have made it live. And, first, we must note the style. How wonderfully vigorous, crisp, and suggestive it is! well-weighed, and singularly exact, with an admirable propriety of tone and expression: it is more lively, easy, and vehement than Saint-Évremond's prose, and less stiff and laboured than that of La Bruyère. Montesquieu does not indulge in flowers of speech and metaphor, as he will do later on, when treating of graver subjects; he thinks, and justly, that here the infinite variety of thought and idea is sufficient for the amusement of the reader. Here we see the French spirit at its purest: the stream flows on a rocky bed, but how crystalline-clear are its waters, as they play in sparkling eddies, and in sheer gladness fall in cascades of radiant brightness! It is flowing towards Voltaire and Beaumarchais: Stendhal and Mérimée will meet it in our century, and turn its course towards us; but there will be many windings in it, and the stream will flow less free and full.

In the *Lettres Persanes* there are numberless sketches of character and manners. Montesquieu, who eventually proved himself so deeply versed in the study of social man, here appears in the light of a keen and ironical observer of the man of the world. Tradition would have us believe that in Usbek he drew himself. Now, Usbek is unsurpassed in exhaustive analysis of causes, unapproachable in disputation,—he commends divorce, extols suicide, and chants the praises of the Stoics; but his loves are agitated, his jealousies desperate, and he is splenetic to ferocity when pleasure palls. This is hardly the portrait of a light-hearted Gascon, who would carelessly give his affections and as carelessly and secretly withdraw them, one whose most poignant grief could be soothed by a few pages of Plutarch or Montaigne. Rica bears quite as much resemblance to Montesquieu, but he is, in point of fact, merely another representation of the same personage: these two Persians are twin brothers,—Usbek holds the pen when Montesquieu moralises,—Rica takes it when he treats his contemporaries to a little mockery; and how delicate is his satire!

His studies of ridiculous people deserve a place in the most celebrated galleries. One is never weary of the *grand seigneur*—"one of the men in this kingdom who make the best show, who takes his pinch of snuff with so much *hauteur*, blows his nose so mercilessly, spits so unconcernedly, and caresses his dog in a way so obnoxious to others, that one cannot help admiring him;—the spiritual director, the literary coxcomb, who more

willingly suffers chastisement of his body than criticism of his mental productions; and the *décisionnaire*, the dogmatist, who supplies the subject for one of the most vivid sketches in the work: "I found myself the other day in company with a man whose self-satisfaction was supreme. In a quarter of an hour he had decided three ethical points, had solved four problems in history and five in physics. Till then I had never met with so absolute a dogmatist; he was not troubled with the smallest doubt. The subject of science being presently abandoned, the conversation turned upon the news of the day; his opinion on these topics was equally infallible. I wanted to catch him, so I took refuge in my own country, thinking that there I must surely be at home, and therefore I spoke to him of Persia: but scarcely had I uttered three words, when he twice gave me the lie direct, on the authority of MM. Tavernier and Chardin. 'Great Heaven!' said I to myself, 'what manner of man is this? He will soon know the streets of Ispahan better than I do myself.' So I thought I would even hold my tongue, and let him lay down the law at his pleasure, and he is doing it still."

Montesquieu's Persians are severe upon women—the women in particular, be it understood, with whom Montesquieu was most familiar; consequently, the descriptions of their foibles are probably the result of his own observation. He accuses them of being addicted to the passion of gaming, in order, he says, as long as they are young, to "encourage a passion still more dear," and,

when youth is past, to fill the void created by that passion. There is more severity in his remarks upon the craving for success by any means. "Every one," he says, "makes use of their gifts and passions to advance his fortunes." Furthermore, he holds up to execration the *spadassin d'alcôve*, prototypes of Lovelace and Valmont—profligates who lie in wait to commit deeds of shameful violence, and make a profession of vice, insolently boasting of their infamy.—"What will you say of a country where such atrocity is tolerated, where a man practising such a trade is suffered to exist,—where faithlessness, treachery, foul outrage, hypocrisy, and injustice lead to distinction?" This is no longer the frivolity of the world of fashion, we are confronted with the majesty of the Law, and one is irresistibly reminded of Don Louis's harangue to Don Juan, and the solemn remonstrance of the father of the *Menteur*.

The same spirit, savouring more of Saint-Simon than of Voltaire, is manifested in the persistent satire of the king, the court, and the great in general. Montesquieu abhorred Louis XIV, whom he saw in his decrepitude, intoxicated with power and adulation, and envying the Sultan the extremely simplified form of government in Turkey. He denies that Louis was either just, devout, or even a politician, save in appearance; that he was a great monarch, save in aspect. But if he is unjust to the master, he is not so to the servants. There is no severer touch to be found in La Bruyère than this: "The body of lackeys is more worthy of respect in France than

it is elsewhere; it is, in fact, a seminary of very exalted personages, and helps to fill the vacancies in other professions. Those who form part of it take the place of the illustrious and unhappy, of ruined magistrates, and of noble gentlemen who have fallen on the battle-field. When unable to supply its own vacancies, it raises up great families by means of their daughters, who are thus treated as a kind of dressing for their native mountain-soil, making that fertile which was before dry and barren."

Montesquieu shows us a despotic king, a disorganised ministry, and uncertain government, the fall of the parliament, the loosening of family ties, the ruin of the religious orders, and the bitter jealousies among the privileged classes—in a word, all the signs in the existing monarchy of its approaching dissolution. What a striking contrast between Versailles, where "all is small and trivial," and Paris, "where all is great and momentous"; where "liberty and equality," "the passion for work," and economy reign; and where the "lust of gain permeates the whole community, from the artisan to him of high degree!" Such rivalry cannot be without envy, but it is, none the less, one of the exciting causes of the national activity. "Even the lowest workman maintains, in face of all opposition, the pre-eminence of his particular craft; and each, in proportion as his idea of the superiority of his profession is lofty, esteems himself in that degree better than his fellow." Now Paris is the correct representation, in miniature, of the whole country; nothing but "work and industry" is to be seen in France. No wonder that

Usbek, in writing to his friend, asks "where to find this effeminate people of whom he has heard so much!"

They are indeed Frenchmen; they combine an eager desire for predominance with a passion for equality. Montesquieu did not perceive in them the elements of a democracy which was, even then, growing and developing under the shadow of the throne—a democracy wholly dissimilar to those of antiquity. His ideas on liberty and political virtue came directly from Rome and Greece, and they remained unaltered. It is true that, by way of antithesis, and with rather satirical word-play, he treats of republicanism as opposed to monarchy from the republican stand-point; but then, his is the republicanism of antiquity: he knows no other. As soon as he approaches the great problem, he is lost in dreams; and among the fantastic visions of the *Lettres Persanes* we can trace the gradual formation of the bonds which so strangely connected this would-be reformer of the old monarchy with the apostles of the Revolution. "Monarchy," says Usbek, "is a violent form of government, which always degenerates into despotism. . . . . The sanctuary of honour, reputation, and virtue is to be found in republican states, and in countries where the word *patrie* is to be heard."

"I have often heard you say," writes one of Usbek's friends, "that man's life is only given him that he may be virtuous, and that justice is as inherent in his being as is its existence. I beg that you will explain to me what you mean by this." Montesquieu never explained him-

self clearly on this question; his expositions on the origin and foundation of Law were always embarrassed, evasive, and obscure. Here, failing a better expedient, he avoids the difficulty by the introduction of a fable—the history of the Troglodytes—which undertakes to prove "that happiness is attainable only in the practice of virtue." But his Salentum is very different from the Salentum of Fénelon's creation. Fénelon's vision was of the future government of the Duc de Bourgogne with Beauvilliers' ministry: Montesquieu's dreams are akin to those of Rousseau and Mably.

A *frondeur*, and paradoxical as a political thinker, Montesquieu, in the *Lettres Persanes*, shows himself a latitudinarian in religion. He is young, has implicit confidence in his mental and bodily powers, and is wholly satisfied with that which life has to offer: of decided nature and keen perception, compromise with the world and death-bed conversion arouse in him a pitiless scorn; and though the hand that wields the weapon is so light and swift that it almost seems to glance aside, the wound it inflicts is deep indeed. In the letters on change in the Universe, and on Islamism, we have the germ of the entire "Voltairian" controversy; but though the style savours of Voltaire, it is more succinct and powerful. Montesquieu speaks with irony of the Church, with disdain of theologians, and with contempt of monks; even missionaries find no grace in his sight. "It is a fine project, this, of sending two Capuchin monks to enjoy the air of Casbin!"

Although he considers that the propagation of new religious belief is good neither for the state nor for society, Montesquieu is of opinion that, where different forms of faith already exist together, they ought to be unmolested. This indirect and imperfect tolerance is still far from real freedom of conscience; still, Montesquieu's contemporaries would have welcomed it readily. There was courage in suggesting, and still greater courage in defending it publicly, and his defence is eloquent. His letters on the *autodafés*, his views on the persecution of the Jews, and his allusions to the revocation of the Edict of Nantes, redound most truly to his honour,—they announce the author of the *Esprit des Lois.*

He reveals himself still more clearly as the correspondence between the two Persians continues. The conventionalism, the oriental frippery, the gaudy colouring, and the story gradually disappear, and the views of the historian and reflections of the moralist replace the disconnected observations and sneering touches of the satirist. In those concluding letters we arrest the thought of the writer, as it rises refreshed from study, and is even yet on the wing. Here, too, we gain the best and completest idea of the notes taken by him in the course of the work: some of them are still, it is said, in existence, and are preserved at La Brède. Most of the questions of which the classification and investigation were hereafter the objects of his deepest study, are touched upon in passing: he pours forth his ideas as he conceives, and while he conceives them. His views on the rights of nations and

on conquest, his opinions on the advancement of science, the classification of governments, and the sources, feudal and Teutonic, of liberty discover themselves continually, and give strength and solidity to the fragile fabric of the *Lettres.* Montesquieu's reflections on the dissolution of the Turkish Empire, and the decadence of Spain, which his penetrating glance so plainly discerned, have often been quoted. And here the temptation of giving a few lines of the letters on the Spaniards is too strong to be resisted; they fully account for Stendhal's admiration of the *Lettres Persanes.* Certainly Montesquieu's rivals in this country have not yet surpassed him in breadth and force of style.

"Never was there in the seraglio of the grand Sultan a Sultana as proud of her beauty as the ugliest and most pitiable old man in a Mexican town can be of the olive whiteness of his complexion, as he sits with folded arms at his door. A being of such consequence, a creature so perfect, would not work for all the treasures of the world; nor could he ever resolve to sully the glory and honour of his skin by vile and mechanical labour.... But though these implacable enemies of work boast of their philosophical tranquillity, it finds no abode in their hearts, for they are always in love. Distinguished are they above all other men in languishing under the windows of their mistresses: no Spaniard who has not a cold could be mistaken for a ladies'-man. They are devout above all, and after that jealous . . . . They say that the sun rises and sets in their country; but it is necessary

to add, that he sees naught on his way but ruined habitations and desert lands."

One point remains to be noticed, and it is the special characteristic of the book and of the man also. It is the supreme moderation of judgment and wisdom of aspiration. In Montesquieu we see the caution of the legislator perpetually tempering the severity of the judge, and sobering the golden dreams of the utopist; of this spirit is the celebrated precept which we receive from the mouth of Usbek: "It is sometimes necessary to alter certain laws, but the necessity rarely occurs. If, however, it should arise, the change must be made with a fearful and trembling hand." The same calm, far-seeing judgment also dictates the following maxims, which seem to foreshadow, and in some sort foreshow, the future work: "I have often tried to discover what form of government is most in accordance with reason, and it has seemed to me that the perfect government is that which attains its object with the least outlay: therefore, the perfect government is that which guides men in the way most suited to their habits and inclinations." Thus we have, in the *Lettres Persanes*, the sum of the polity of the *Esprit des Lois*. Here also we have its philosophy: "Nature always acts slowly, and, so to speak, sparingly. Her operations are never violent, and she is moderate even in production. She never moves save by rule and measure, and, if hurried, she soon becomes exhausted."

## CHAPTER III.

### THE WORLD.—THE "TEMPLE DE GNIDE."—THE ACADEMY.—TRAVELS.

IT was impossible that the *Lettres Persanes* should be published in France, or appear otherwise than anonymously. Printed at Rouen, like their illustrious predecessors the *Provinciales*, they were published at Amsterdam, and, though the stratagem deceived no one, they thus escaped proscription.

Montesquieu not only himself practised, but disposed those around him to practise, the tolerance which he preached. A certain Abbé Duval, who had both intelligence and capacity, acted as his secretary, and his chief friend was a priest of the Oratory—Father Desmolets—a man incapable of playing the inquisitor. The abbé corrected the proofs of the *Lettres Persanes:* Father Desmolets tried to dissuade him from publishing them, but, being possessed of a quick wit and much sagacity, involuntarily added: "they will sell like bread." This is precisely what did take place. The *Lettres Persanes* expressed, in a manner peculiarly seductive to the current taste, thoughts peculiarly in harmony with the current

humour. They appeared in 1721, and within a year four editions and four pirated reprints were sold.

This brilliant success did not fail to attract much censure, and not a little jealousy. The author's name was speedily in everybody's mouth, and society, while keenly relishing the book, was certainly wroth that it had been composed by one of its votaries. Strictures on the state politics, religion, and morals were the business of a satirist; they were manifestly out of the province of a *président à mortier:* men of letters pen them; men of the world enjoy them; men in power condemn them; the author finds himself in prison, and his readers rejoice. "Such sketches," observed d'Argenson, "are easily dashed off by a skilful hand, but no man of sense would dream of giving them to the world." "One should be careful in the use of one's wit," wrote Marivaux in his *Spectateur Français.* And envy was more pitiless than criticism, as Montesquieu tells us "No sooner did I obtain some encouragement from the general public, than officialism turned against me; I had to bear a thousand mortifications." His talents were suddenly found to be of a dangerous order; he was not merely treated as a *frondeur*, but as a very firebrand. So much did he undergo, that all idea of publicly acknowledging the authorship of the brilliant work was renounced by him:—"I am afflicted with the passion of writing books, and with the weakness of being ashamed of them when they are finished."

This was the bitterness of success, but Montesquieu freely tasted of its sweetness. He went to Paris—still

young and susceptible to love, as he is careful to tell us—and was received into that exquisitely polished and cultivated society which will ever be accounted as the chief and special charm of the last century. Here he became acquainted with Maurepas, the Comte de Caylus, and the Chevalier d'Aydie, of whom he probably thought—for he honoured him greatly—in his graceful idea that he was "in love with friendship." A welcomed guest of Madame de Tencin, Madame de Lambert, and Madame du Deffand, he was also received by the Duke de Bourbon at Chantilly, where Madame du Prie reigned supreme, and he speedily won her favour. It was whispered that he would fain have attracted the notice of the duke's sister, Marie Anne de Bourbon, Mademoiselle de Clermont. This lady had reached her twenty-eighth year, was brilliant, beautiful, and full of vivacity: Nattier has represented her as a water-nymph, with wonderful glow of colour and charm. Montesquieu was certainly dazzled by her beauty, and tradition says that, in token of homage, he composed the *Temple de Gnide.*

This is a little prose-poem supposed to be translated from the Greek. Montesquieu says that "its merits can be thoroughly appreciated only by curled and powdered heads"; in these words indicating the artificiality and anachronism of the work, including it among the trifles which the frivolity of his century has bequeathed to ours. Of this bouquet which shed its languid sweetness to ravish Chantilly, naught remains but the faint and subtle perfume of a sachet long hidden in a *rococo* cabinet.

Léonard and Colardeau have versified the dainty madrigals, and the phraseology of gallantry is possibly more pleasing as treated by them, although this is doubtful praise of Montesquieu's work.

But the apparent defect is really a proof of superiority. Montesquieu is too crisp and terse in style, too rich in thought, to lend himself readily to these allegorical conceits. Only now and then, as the powdered curls are forgotten for a time, does he betray himself, and, taking his *pastiche* seriously in hand, gives in his beautiful prose the translation of some fragment of an ancient poem which once inspired him and still sings in his memory. His great familiarity with the ancients, and his wonderfully sympathetic perception of their genius, reveal to him, in transient gleams, their poetry and its freshness. His hand only touched this chord—neither Léonard nor Colardeau were thrilled by its power, and their instrument was too frail to render it depth and fulness. Nearly a century elapsed ere its sound was heard again in the literature which its influence invigorated and reinspired.

"Often would she say while embracing me, 'Thou art sad.' 'It is true,' I said; 'but the sadness of lovers is delightful: I feel that my tears are falling, and I know not why, for thou lovest me, and I have no cause for self-pity, yet I pity myself. Seek not to deliver me from the delicious languor; let me sigh out my pain and my pleasure. In the transports of love my soul is restless—the very intensity of happiness stays her gladness, and now even my

sadness is pleasant to me. Dry not these tears: what matter if I weep, since I am happy?'"

Is not this like a prose rendering of one of André Chénier's elegies? The bacchanalian strains of Chant II remind one of the eclogue-fragments of the author of the *Mendiant.* Chénier had drunk of the same stream: he had, besides, as his prose shows us, a thorough and appreciative knowledge of Montesquieu. And here we find the point of union between the greatest prose writer and the supreme poet of the eighteenth century. Montesquieu could not, indeed, "*soupirer un vers plein d'amour et de larmes*," but he had been touched by a reflection of the pure light of Greece. His is an initiative mind—an *esprit précurseur;* and we discern his special characteristic even in the slight work under notice, where one can see that the author is merely at play. Genius flashes from its pages, but there is also much of the tawdry and theatrical; and this will doubtless be considered by clumsy imitators as a faithful study from antiquity,—a joy and innocence, "coming no one knows whence," appropriate to the nymphs of Venus; an "honest citizen-nature"—*un cœur citoyen*—still more strangely incongruous; and a questionable description—which might have been sketched by a comic draughtsman at some fête of the Directory—of the "girls of proud Lacedemon."

The *Temple de Gnide* appeared in Paris in 1725, receiving the *privilège du roi.* Montesquieu was too wise to let his name appear, and he had every reason to

congratulate himself on his prudence. The Abbé de Voisenon says that the *pastiche* "brought him many love-affairs, with the caution, however, that he must keep silence thereupon." Emboldened by his success, Montesquieu presented himself to the Academy, and though he had formerly dared to ridicule that illustrious body, he was of the circle whence its members were recruited, and was therefore elected. But the reputed author of the *Lettres Persanes* could not be suffered thus to triumph: the king refused to confirm the choice of the Academy, on the ground that Montesquieu did not live in Paris. He accordingly returned to Bordeaux, where he devoted himself to the ordering of his affairs. In the same year (1725) he read before the Academy of that town some fragments of a treatise *des Devoirs*, and some *Réflexions sur la considération et la réputation;* he also delivered a *Discours sur les motifs qui doivent nous encourager aux sciences*, which is rich in noble thought. Then disposing of his presidentship, he went to settle in Paris. To this period we may assign his first rough sketches of the masterpiece—the *Esprit des Lois:* the crown of honour came to him before his *chef d'œuvre* was given to the world.

In 1727 he again presented himself to the Academy, and though Cardinal Fleury yet wavered, Montesquieu and his friends succeeded in lulling the ministerial scruples, and the distinguished candidate was at length elected on the 5th January 1728, and admitted on the 24th of the same month. The address at his reception was not especially remarkable; yet its brevity is com-

mendable, together with some fine reflections on Peace, and a phrase on the blood of mankind—"that blood which always stains the earth." For the sake of decorum, and in order to conform to established usage, he panegyrised Richelieu, whom he detested, and Louis XIV, whom he had held up to reprobation. Montesquieu was admitted by Mallet, who invited him to justify his election by immediately acknowledging his works, maliciously adding: "Unless you do so, the world will anticipate your avowal, and, perceiving your genius, will attribute to you all the anonymous works which possess the least life, animation, or vigour, thus thinking to honour your ability; and you will find all precautions suggested by your prudence to be utterly useless." Mallet himself had only produced an ode when, in 1715, he took the place of the Chevalier de Tourreil. This discreet versifier would probably have been unknown to fame, had not chance afforded him an opportunity of distinguishing himself by taunting Montesquieu on the insufficiency of his title to distinction.

Montesquieu was weak enough to take offence at this petty and unworthy spite. He rarely appeared at the Academy: it was said that he did not feel at ease there, and that he was, further, inclined to resent the coldness of his welcome. Desiring to travel, that he might himself examine the customs and institutions of different nationalities, he started on a journey through Europe, going first to Germany and Austria. He was accompanied by an English diplomatist, the Earl of Walde-

grave, nephew of Marshal Berwick, whom Montesquieu had known at Bordeaux, and profoundly admired.

At Vienna, where he saw Prince Eugène, his reception was eminently flattering. The charm and ease of Viennese society, the pleasure of exercising his powers of observation, the brilliancy of court-life, and the *prestige* attached to the profession of diplomacy, completely fascinated him. He went so far as to seek a diplomatic appointment, but his capability for such a post was questioned by the home-government, and he was refused. We have every cause to rejoice in this ultra-fastidiousness: had Montesquieu been accepted, he would have wasted his splendid genius in the hard and absorbing game of politics—that game which the play is all on one side, and mankind is the dummy. The world would have lost the *Esprit des Lois*, and it is by no means certain that France would have gained a diplomatist.

Montesquieu had the stuff of the political observer, but this is merely the raw material from which statesmen are made. He lacked the incessant activity, the ready judgment, the pride of power and national egoism, without which no man can be a successful negotiator, still less a skilful strategist; he had too much sympathy with humanity to drive it as one of its taskmasters. "When travelling in foreign countries," he says, "I have felt that I cared for them as for my own; I have rejoiced in their prosperity, and have wished that they should continue in a flourishing condition." The legislator speaks here, but not the politician; certainly not the politician of that day,

who considered all foreigners as his lawful prey, to be taken at a disadvantage, if possible lured into the snare laid for them, and there complacently despoiled. "If I knew of anything that I considered would benefit my family, but would be prejudicial to the good of my country," he says again, "I would strive to forget it: if I knew of anything that would benefit my country, though it would cause evil to Europe and to mankind in general, I should consider that, in acting on that knowledge, I committed a crime." These opinions are utterly irreconcilable with Machiavelism, and equally impossible to diplomacy, as understood and practised both in Montesquieu's time and since. All who held such views could never have been successful in the traffic of men, then carried on universally: he would have been a feeble antagonist to so consummate a player as Frederick. Indeed, while travelling in Germany, Montesquieu had sought to discover the causes of its weaknesses, and to seek for them a remedy: he desired that this country should reform its constitution, concentrate its strength, and earnestly attempt confederation: this course of procedure would have destroyed the Treaty of Westphalia, and have utterly subverted the policy of France: the Minister for Foreign Affairs would have had small sympathy with such universal benevolence, and Montesquieu would have been sent back to the *Temple de Gnide.* Let us allow that he was in no wise fitted for the career of politics: too often duped at the expense of his country, he would have found too

few occasions in which he could employ his talents for her service.

Montesquieu visited Hungary, where he was able to study feudal life and serfdom : he contemplated, from a distance, the republic of Poland, and investigated the causes of the anarchy that was bringing her to destruction ; and then went to Italy. Venice was at that time a pleasant rendezvous—the *auberge joyeuse* of Europe—a refuge for all fallen Powers. Montesquieu, who meanwhile lost no opportunity of amusing himself, there encountered Law, who was engaged in teaching—or rather in perverting—political economy; Bonneval, who was preparing to put into practice the *Lettres Persanes;* and Lord Chesterfield, who contracted a warm friendship with the French traveller. Montesquieu scrutinised the aristocracy, the Council of Ten, the *sbirri*, and the state inquisitors; his scrutiny was somewhat marked, and he felt that he was himself the object of some attention: this offended him, and he suddenly left Venice, throwing his notes into the sea. Italy enchanted him, and taught him to love Art. He prided himself on eclecticism in matters of friendship, associating at the same time, and on equally cordial terms, with Cardinal de Polignac, the French Ambassador and the author of the *Anti-Lucrèce*, the Calvinist *pasteur* Jacob Vernet, and several *Monsignors*. He had long known the Abbé Comte de Guasco, a Piedmontese, who, though he did not aspire to the reputation of a "grave doctor," was widely and deservedly popular as the most admirable of churchmen.

Early in 1729, Montesquieu left Italy, and spent some months in Switzerland, the Rhine-country, and Holland. There he rejoined Lord Chesterfield, and accompanied him to England, where he stayed from October 1729 until August 1731. During this visit he lost no opportunity of hearing debates in Parliament, and acquainted himself also with the political writings of Locke. By these means he discovered the principles of liberal government, and conceived the idea of making them known to the European world. The existence of this new political region had hitherto been scarcely suspected, save by a few French refugees,—though Rapin de Thoyras had, in 1717 and 1724, attempted its description in a highly ingenious study, of which Montesquieu knew: he made, indeed, so good a use of it, that it is now wholly forgotten. Observing all, and observing keenly, with the penetrating glance of a scholar, he was untiring in the close examination of detail and the investigation of cause and effect. His notes, taken as he observed—exact, concise, and vigorous—are models of their kind: the style is of a political La Rochefoucauld.

"One should travel in Germany, sojourn in Italy, think in England, and live in France." This aphorism is attributed to Montesquieu, and would seem to epitomise the experiences of his pilgrimage. He returned to France after three years' absence, and joined his family at La Brède, where he resumed his usual employments, —cultivated his vines, directed the drawing up of his pedigree, and transformed his grounds into an English

garden. Henceforward his chief occupation was the elaboration of his great work, of which the thought had been ever present with him through all his wanderings in Europe: this could only be achieved in the leisure of a country life, and in solitude. His purpose was to write the history of man as a social being—his history as illustrated by politics and law,—and much of the subject-matter had been already handled in an *Essai sur les finances de l'Espagne*, in some *Réflexions sur la monarchie universelle en Europe*, and in a *History of Louis XI.* From that which survives of this last work, one may say of it as Montesquieu said of Michael Angelo: "Even in his rough sketches—as in fragments of Virgil—there is sublimity."

Montesquieu was completely penetrated with the spirit of Rome. "The ruins of so terrible a machine" did not impress his imagination—as they did that of Montaigne—by their picturesque appearance and sepulchral character: beneath the wreck and desolation he sought rather to obtain a glimpse of the former city, and to reconstruct from the scattered skeleton-fragments that great existence of the past. An historian and philosopher, rather than a painter or chronicler, he strove to discover the secrets of the life and depth of this magnificent organism. This was probably, for him, only a part—a principal argument in the original plan of the *Esprit des Lois;* but as it threatened to overpower the main subject, Montesquieu detached it from the work; then, as writing was pleasant to him, and from the love of his theme—the finest the

world affords—he set himself to beautify and bring it to perfection, resolving, as Florus expresses it, to attempt to give, in miniature, a faithful portrait of the Roman "people." Thus appeared (in 1734) the *Considérations sur les causes de la grandeur et de la décadence des Romains*, and a few years later (in 1745) the *Dialogue de Sylla et d'Eucrate.* This dialogue forms an excellent appendix to the *Considérations*, and should not be separated from it.

## CHAPTER IV.

### THE "CONSIDÉRATIONS SUR LES CAUSES DE LA GRANDEUR ET LA DÉCADENCE DES ROMAINS." —THE "DIALOGUE DE SYLLA ET D'EUCRATE."

THE secret of Montesquieu's attraction to Rome is the opportunity there to be found of studying the most wonderful political phenomenon which history presents to our view. The observations of several like phenomena would give a clue to the explanation of all others. There are laws in politics: experience discovers and history defines them. History is a science only in so far as it collects phenomena, classes them, connects and ascertains the conditions of their connexion. "As men," observes Montesquieu, "have in all ages been subject to the same passions, the occasions which produce great changes may be different, but the causes are always the same." The pursuit of these causes in Roman history is the primary object of his books.

In this study of Rome Montesquieu had had distinguished predecessors: Polybius, with whom he was intimately acquainted; Tacitus, whose spirit rested on, and raised him even to his level; Florus, his master in rhetoric, his beloved teacher,—all had shown, indeed, the order

and connexion of events in Roman history: they had not even suspected the existence of a general and superior law regulating those events. Machiavelli, in his *Discourses* upon Livy, holds the same superficial view. He is an empiric, and occupies himself less with the grouping of events than in drawing lessons from them. "Chance," says he, "does not so entirely govern the world as to leave no part for prudence to play therein"; and his design is to learn in the school of the ancients how, by means of skill and calculation, that part may be accentuated. Concerning himself little with causes, less with existing institutions, and disregarding the changes wrought by time, he confines himself simply to the analysis of facts as they are, seeking to obtain from them receipts for the guidance of men. History is to him but a "political pharmacy," as Mirabeau said, after a too prolonged meditation on the *Prince*.

Montesquieu was a politician, and had had, besides, a profound experience of revolutions; Saint-Évremond's knowledge of them was rather that of an inquirer and an adventurer. In his *Réflexions sur les divers génies du peuple Romain*, he deals chiefly with men and their characteristics: the main point escapes him. Bossuet seized it at once. The connexion, the harmony, the steady and regular course of events in Roman history, was congenial to the majestic logic of his genius. No one has equalled Bossuet in his exposition of the greatness of Rome; its breadth and fulness correspond to the grandeur of the subject. Men and their passions are not ignored, but

he assigns to them merely the detail of events, the variable and transitory *accident* of history. His great desire is that his readers should perceive the "thread that runs through all," showing its endless convolutions, and how, though men may twist and wind, they cannot direct it. God controls and orders its course; it begins and ends in Him. Howsoever great the influence that Bossuet allows to "the individual genius of those who have caused great movements," and though the historian in him constantly dominates the theologian, the theologian always has the first and last word. He is ever the most humble servant and adorer of that Providence whose Councillor of State, as has been felicitously remarked, he considered himself. "God has willed," he concludes, "that the course of human affairs should be directed and defined"—the end of this direction being the triumph of the Church. In this light we are to read the "Divine judgment on the Roman empire: a mystery revealed by the Holy Spirit to St. John, and explained by this great man—Apostle, Evangelist, and Prophet—in the Apocalypse." The *Discours sur l'histoire universelle* is, in fine, a pious and solemn application of the system of final causes to history.

Montesquieu did not pretend to be a theologian, and knew nothing of final causes. He allows, as does Bossuet, wide scope to the liberty of man, to his power of choice, and to the action of individuals in the conduct of affairs; he sees, as does Bossuet also, that matters go in politics as in "a game where the most skilful wins in the long run"; but he believes that the game has its rules,

that it must be played at a table, and that it admits of plan and combination; he also believes that there are conditions to the exercise of the players' skill, and that chance has no part whatever in the game. The intersection of cause and effect forms the historical plot—the reciprocal attraction of men and of ideas—the universal gravitation of events to decide its tendency. "It is not Fortune who governs the world," says Montesquieu; "this is proved in the history of the Romans, who had an unbroken succession of triumphs as long as their government was conducted upon a certain principle, and an uninterrupted series of reverses when the principle of government was changed. There are general causes at work in every monarchy, raising and maintaining, or producing its downfall: accidents are entirely subject to these causes. If the accident of a battle—that is, a particular cause—ruins a state, it is because of the existence of a general cause which makes the ruin of that state by a single battle inevitable: it is, in a word, to a general cause that particular accidents are to be attributed."

It is by these just and logical views that Montesquieu is entitled to rank among the great masters of modern history. The perfection of his style makes him one of the classic writers of French literature, and his individuality is nowhere more strongly marked—he is nowhere more thoroughly Latin yet more unaffectedly French—than in the *Considérations*.

This work is admired for the animation and vigour of

its style, the force and grandeur of movement, the comprehensive exposition, and the clear and stately imagery in the illustration of the subject; for a conciseness which suggests Sallust and Tacitus; for an art in the "revival of expressions, restoring to them all their primitive strength," boldly dashing them into a sentence endowed with all their original freshness and power, and enhancing the effect thus produced by the unexpected use, in the treatment of a lofty subject, of a simple homely word—a word of the people—of which the meaning has been obscured and half-destroyed by use and the rust of time. "Nothing was of greater service to Rome than the respect with which she inspired the earth. Kings were silenced and made *stupid* by their awe." One discovers similar *traits* in every page of the *Considérations*.

The *ensemble* of Montesquieu's conclusions remains unimpeachable as his method and his style. A commentary on the *Considérations* answering the requirements of modern erudition would completely overpower the text; it would be the same with the *Époques de la Nature*, were this work to be adapted to the progress of science from Cuvier's day to that of Darwin. And where would be the good? The modern historians are never so intelligible to us as after the study of Montesquieu, and they, in their turn, throw fresh light upon his meaning. His book might be compared to an ancient temple of which the threshold is partly destroyed; the partition-walls have crumbled away, and the interior is open to the sky, but the marble columns that encircle it are standing, the

capitals have not suffered, the pediment endures, the frieze is intact, and, viewed from the necessary distance, the grand outline is perfect as ever. An attempted restoration from museum-fragments and models would endanger the monument, without in any way adding to its beauty.

Montesquieu was not nice in his scrutiny of authorities: he was ignorant of the science of archæology, which enables us faithfully to reproduce what tradition has perverted and criticism has annihilated. It is a singular thing, that he who so pleasantly speculates upon, and treats of the effects of climate, should have been as devoid of curiosity respecting the climate of Rome as he was about the nature of the founders of the city. Michelet, and following him Duruy and Mommsen, have drawn important conclusions from the consideration of soil and race; and M. Fustel de Coulanges has shown the intimate connexion existing between the history of Rome and that of religion. But in Montesquieu's time such ideas were yet almost unheard of, nor was he in such speculations in advance of his contemporaries. He entirely ignores the social state, and what may be called the political economy of Rome in the first period of the republic. The essential element of induction was lacking: the opportunity of observing revolution of the kind. He utilises all that the history of England in general and of Cromwell in particular has taught him; but even in English history he overlooks the fanatical and (in the modern sense of the word) revolutionary element. Only

political crises arrest his attention, and such emergencies suggest to him many striking thoughts; for example: "A state is never more to be feared in a threatened invasion than when itself is suffering from the horrors of civil war . . . . England has never been more respected than under Cromwell."

Montesquieu does not seem to dominate his subject till after chapter v, where he gives a graphic account of the state of the world at the time of the Roman conquest. The next chapter is devoted to a study of the process of conquest—a masterly study, which has immortalised the work. He analyses the Roman genius and the cause of Roman greatness: the attachment of each citizen to the city; the love of the whole community for the country; their constant exercise in the art of war; their discipline; the constitution of their government, arbitrary in time of war, but in time of peace taking cognisance of and punishing all abuse of power; the order and proportion of their schemes; their talent in dividing their enemies; their skill in applying to their own needs the useful inventions of other nations; their art—unique among the ancients—of absorbing the people whom they subjugated, and of improving the countries under their sway; their marvellous resolution in adverse fortune; the firmness of their senate; that happy concourse of circumstances—the "*allure principale*"—which turned all to their advantage, even their mistakes, because they were capable of recognising and correcting them; the perpetual application of the principles, to

which everything gave way—the public weal within, conquest without the empire; everywhere and always, in a word, the *raison d'état.* "It is here," Montesquieu finely says, "that humanity should be viewed and judged"; and he, better than any other, has cleared the way to that view.

Montesquieu here is supreme. He may perhaps appear to have too strong an admiration for the terrible working of a dry and reasoned power; for those political virtues "destined to prove so fatal to the world." The historian may temporarily triumph over the philosopher; but, as he sets forth in the *Considérations* the implacability and barbarity of conquest, so in the *Esprit des Lois* he brings into notice the numberless benefits which it produces. Treating now of its darker side, he says: "As they never made peace in good sooth, and that, as their design was universal conquest, a treaty was merely, in their view, a suspension of hostilities, they always imposed conditions which they knew must inevitably bring about the ruin of any state desiring to make terms with them. . . . Occasionally they would make peace with some nation on reasonable terms; but immediately the required conditions were fulfilled, additional ones of such severity were imposed that a renewed appeal to arms was unavoidable. . . . Rome was continually adding to her wealth; each war in which she engaged supplied her with the means of undertaking others. She ruled Africa, Asia, and Greece, though hardly possessing any cities in those countries. The Romans seemed to con-

quer but for the purpose of giving; but their power was, in reality, so world-wide and absolute, that any prince with whom they were at war was crushed, as it were, with the weight of the universe."

Not contented with analysing the genius of Rome, Montesquieu attempted its illustration. In the course of his study of the Roman people he had recognised and been impressed by the depth and intensity of their passions, and could not resist his desire of giving, in some way, expression to the result of his consideration: this is done in the *Dialogue de Sylla et d'Eucrate.* It has been said that this dialogue is intended as an apology—a paradoxical and ironical apology—for the Roman state policy and boldness in crime. We shall judge of it more correctly if we consider it as a flash of genius—the conception of a great historian upon whom the fire of poetry has descended for the time, inspiring him with dramatic art. Montesquieu improvises as his taste and the fashion of the time direct. Had Mommsen been thus borne aloft on the wings of imagination, he would no doubt have sought the spirit of Shakespeare: his Sylla "of ardent temperament, of a fair complexion which the lightest emotion flushed, blue-eyed and beautiful-featured—generous, ironical, *spirituel*—now given up to the passionate intoxication of action, now yielding himself to repose," is a very hero of romance. Montesquieu's Sylla is essentially French—of the classic period: he is a disciple of Machiavelli, and talks like the bold adventurers who suggested Molière's Don Juan.

"Eucrate, if I am no longer a spectacle for the universe, the fault is not mine: rather is it that human nature is finite. . . . I was not formed for the tranquil government of an enslaved people. I was destined to conquer —to found and destroy nations. . . . I have never boasted of being a slave to, and idolising the society of my equals: such feeling, though so highly extolled, is too ignoble for a soul lofty as mine. I have been guided solely by my own reflections, and, above all, by the contempt which I have felt for mankind."

And how weary he is, notwithstanding his pride! *Soûl des hommes*—as will be said towards the end of the century—he is satiated, not satisfied. Corneille has magnificently expressed the unmeasurable disgust produced by unlimited power:

> "L'ambition déplaît quand elle est assouvie . . .
> J'ai souhaité l'empire et j'y suis parvenu,
> Mais en le souhaitant, je ne l'ai pas connu. . . ."

"And I," says Montesquieu's Sylla, still more bitter and morose, "and I, Eucrate, was never less content than when I beheld myself the absolute master of Rome; when, looking around me, I saw neither rivals nor enemies. I thought that one day it would be said that I had only chastised slaves." This unbearable thought stimulates him to his most surprising resolution—the resignation of the Dictatorship at a time when that seemed to be his sole remaining refuge. Yet Rome is still mute before him, and he perceives that he is solitary, impatient, and

unsatisfied as heretofore. He concludes with these words: "I have astonished mankind, and that is much." He may have astonished the world; he cannot bring content to his soul.

Montesquieu might have pursued and developed his study of Sylla in Cæsar, but he does not appear to have thought of this. Now that we have known Danton and Robespierre, we have seen the resuscitation of the Gracchi—first in all Roman revolution; now that we have seen Bonaparte, Cæsar's place in Roman history seems supreme. The great revolution of modern times has modified all received ideas, even as regards the ancient world. Montesquieu, despite his keen and appreciative perception of the genius of Alexander and Charlemagne, seems disposed to underrate that of Cæsar; instead of treating him as one apart, he seeks rather to replace him among the ordinary run of men, and to judge him by ordinary standards. Like Shakespeare's Cassius, he would say—

> ". . . . . What should there be in that Cæsar?
> Why should that name be sounded more than yours? . . .
> Upon what meat doth this our Cæsar feed,
> That he is grown so great?"

Montesquieu recognises in Cæsar, indeed, the general and politician who would have attained to the supreme government of any republic under which he lived, but he refuses to consider him as more than an instrument of destiny, one of those men who, though they may be

instrumental in the accomplishment of the inevitable, in no way decide the fate of empires or alter the course of history. "Had Cæsar or Pompey thought as did Cato, others would have thought as did Cæsar and Pompey, and the republic, which was destined to perish, would have been drawn to the precipice by another hand."

Cæsar is ever thus associated with Pompey; Montesquieu makes no great difference between the two. He had on this subject the kind of historical prejudice which blinded Corneille, and in some degree influenced Bossuet. "Pompey had," says he, "a slower and gentler ambition than Cæsar's. . . . He aspired to the Dictatorship, but he could only reach it through the suffrages of the people: he could not consent to the usurpation of power, though he might have wished that power should be placed in his hands." Thus does Moreau appear to us in his rivalry with Bonaparte.

Montesquieu extols Brutus, even going so far as to consider the political assassination as a necessary, though criminal, remedy to the *coup d'état*. He condemns the Empire even while showing that it was unavoidable, and judges Augustus and his reign from the point of view of a senator who would have persistently lamented the ancient republic, while acknowledging that it could not have survived. These are the finest pages of the *Considérations*.

Symptoms of the decadence of Rome are everywhere to be seen. Order is now but a "continual servitude," destined "to show the happiness produced by autocratic

government." Tyranny creeps in, wearing the mask of Liberty, and the idea of liberty is falsified and perverted. The principles which made the strength of Rome are, by extravagant application, corrupted; the Romans have fought and conquered to excess,—"they were being destroyed by the never-ceasing strain of action and of violence, as a weapon is destroyed by the strain of constant use." The civil disturbances which occupied and entertained the body politic develops into open strife which leads to its perversion; private morality is deteriorated by wealth. Tyranny triumphs in the corruption of the people, and oppression finishes the work of ruin; the vital organs are diseased, and now the mischief begins to spread. Rome is weakened by her vast dominions; the conquered nations rebel against the armies disposed along the frontiers; and the armies, in concentrating their strength, overrun and overpower the state: their loyalty declines from the moment they assume the government of the city.

The motive-power is impaired: Rome had strengthened herself by annexing the nations she had conquered; but what was once a source of strength is now a cause of weakness. Therefore, she falls back upon her internal resources, crushed by the overwhelming weight of her own power—that power which formerly crushed her enemies; and the empire gradually contracts, until Italy is once more its frontier.

Montesquieu, who seems to have had no perception of the important action of Christianity on early Roman

history, does not in the latter part of his work lay sufficient stress upon it. Given up to admiration of the Antonines, he fails to note the approach of that revolution which transformed the ancient world. Indeed, as he advances in the history of the empire, questions of economy are dwelt upon with more insistence, for he is studying the Digest, and has drawn from it not only a comprehension of the laws of Imperial Rome, but also an understanding of Roman social life. His views on revolution, on commerce, on financial crises, the abuse of taxation, together with the neglect of agriculture which results from that abuse, and the ruin of provincial administrations, are so many novelties brought forward by him, and of signal importance to history. The chapters on Byzantium are scarcely more than an *aperçu* and summary, but they are unmistakably the work of genius. In order to appreciate their value and originality, they ought to be compared with the corresponding chapters of the *Essai sur les Mœurs:* Voltaire's slight treatment brings into relief the vigorous handling of Montesquieu. It is impossible not to suspect some allusion to the theological quarrels of the eighteenth century in the ironical mention of the dissensions in the Byzantine Church. Justinian, with his pretensions to unity of law, unity in reign, and unity in faith, in more than one respect resembles Louis XIV: "He thought to increase the number of the faithful; he diminished the number of men." There is a still more pointed comparison between the struggles of Mussulman and Greek, and those of Cromwell's adherents and the

Irish. Montesquieu merely glances at the later period, and concludes by showing how the Turks inherited the causes of the decay of the Byzantine empire, even while they conquered the capital of that empire.

So he reaches the modern time, and in this, the study of his choice, he persists during the remainder of his life.

# CHAPTER V.

## THE PLAN AND COMPOSITION OF THE "ESPRIT DES LOIS."

MONTESQUIEU had reached the age of forty when he began the working out of his great conception. He had long been collecting the necessary materials. "I may say that I have been engaged upon it all my life," he writes. "As soon as my college life was ended, legal books were put into my hands: I strove to discover the spirit of law." This expression, so well known in connexion with Montesquieu's work, was not entirely his own. We meet with it first in Domat's *Traité des Lois*, where a chapter is devoted to the nature and to the *esprit des lois;* but Domat understands thereby the true sense, the real significance, of legislation,—"that which is in the law of nature, equity, and in law arbitrary, the intention of the legislator." Taken in this sense the spirit of law is intelligible enough, and Domat had already dealt with it; but Montesquieu looked further—he sought to determine the *raison d'être* of law and of its efficacy. The subject thus viewed was no longer juridical, but historical; for its thorough elucidation, the scrutiny of the conscience, the interrogation of the reason, and the

analysis of various tests did not suffice; it was necessary to sound the depths of history, and discover the great secret of civilisation.

Montesquieu was for some time bewildered in his quest. "I pursued my object without plan or design; I had neither rules nor exceptions to guide me." By referring to the chapter *de la Coutume* in Montaigne we could form some idea of the notes gathered from all sides and accumulated by Montesquieu. Montaigne shuffled his, cast them hap-hazard to the winds, and then maliciously chose to print them in the confusion which is, in his eyes, an inherent law in nature. He glories in this medley of men and things, of times, of countries, of governments, of anecdotes, of legends, of witticisms, and of fine maxims; and it is not difficult to extract from this hotch-potch some means of defaming humanity and tearing its frippery to pieces: the impotence of our reason, the miserable inconsistency of our judgment, are exposed in every line of the chapter. In this strange armoury, constructed by Montaigne to disquiet man and shake his confidence in any certainty or security, Pascal finds wherewith to reconduct him to the faith; in an incomparable *reductio ad absurdum* he confounds the human reason and proves its nothingness before God. But Montesquieu cannot be satisfied with Montaigne's erratic and wayward reason, nor will he resign himself to the prostrate and humiliated reason of Pascal: the problem must be solved, and its solution must be found in humanity.

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"In the first place, I proceeded to a careful scrutiny of men; and I formed the opinion that, in this infinite diversity of laws and customs, they were not only guided by caprice." To seek the principle that guides them is not the mere pastime of an idler: it is the work of a legislator and of a benefactor of the human species; for Montesquieu does not distinguish the two. He considers that men are "rogues individually, but honest in the mass," and that it is in life as on the stage, where only noble actions and fine sentiments are applauded. Professing to work in the interest of mankind in general, he would seek citizenship in every state, that he may study and explain the bearings of its customs and maxims; that he may inspire each individual with a stronger love for his country and government, and teach all nations both how a state is endangered and how its well-being may be secured. He writes for a typical being, whom he represents to himself as the "*homme de bien politique*," —the man politically just and upright,—and he conceives that the "political, as the moral good, is to be found within two limits."

But if Montesquieu's general object is the commonweal, his special object is the weal of France. He sees her tendency towards despotism, and fears that despotism will lead to anarchy—the most ominous form of decline; therefore would he warn his countrymen, revive their love of liberty, and restore to them the title of citizen. Bossuet, after a demonstration of the purposes of God as manifested in the world, draws from these very pur-

poses the doctrine which should serve as a foundation to Christian monarchy, and as a lesson to the most Christian king. Montesquieu, who has shown the process of organisation in a great social institution—how it grows and prospers, decays and perishes,—seeks in his own turn to read a lesson to all human legislators. He dreams of a purely scientific work—a work which shall be to the *Considérations sur les Romains* as the *Politique tirée de l'Écriture sainte* is to the *Discours sur l'histoire universelle.* No legislator has conceived a nobler or a more daring and difficult design, and Montesquieu, when he had accomplished it, proudly distinguished his work with the epigraph—*Prolem sine matre creatam.*

He finds no lack of subject-matter, but rather a superabundance of material, such as almost precludes investigation: he needs the implements of work—the sieve and the balance—to sift and to weigh the component parts. He loses no time in analysing these elements and tracing their origin. "He does not speak of causes, nor does he compare causes," says he, later on, of himself; "but he speaks of effects, and compares effects." The religious foundation of Domat's *Traité des Lois* blinds Montesquieu to the depth and soundness of the author's principles. Domat brings his observations to bear upon his faith: with the alteration of a few terms his book, in reality naturally human, would lose its theological tincture. But though he rebels against Domat's mysticism, Montesquieu is equally opposed to Hobbes' materialism; he acknowledges "an eternal justice," wholly independent

of human conditions. "Relations of justice existed before the making of laws. To say that there is no right or wrong but that which is commanded or forbidden by positive laws, is as contrary to reason as it would be to say that before the drawing of the circle all radii were not equal."

Montesquieu's inquiries into the origin of society would have been as much aided by a knowledge of the science of man as would have been his study of the early history of Rome by some acquaintance with archæology and some exercise of textual criticism. If he could have read Buffon, the *Septième époque de la nature* would have given him a clearer perception of the state of primitive man and of the genesis of custom. "The first of our race, witnessing the yet recent and very frequent convulsions of the earth, driven by floods to take refuge in the mountains—the only place of safety,—and often driven away from thence by volcanic fire, trembling upon the earth that itself trembled beneath them, naked and helpless in body and mind, defenceless against the fury of the elements and the rage of wild beasts, all equally overwhelmed by a feeling of awful terror, all equally pressed by necessity,—did they not speedily seek to join themselves together, at first for mutual defence, and, as time went on, for mutual help, in the construction of dwellings and fashioning of weapons?"

But in the absence of definite knowledge, Montesquieu allows himself to be carried away by imagination. So he is pleased to suppose conditions of nature in which a

race of men—weak, timid, and affectionate—enjoyed a kind of animal happiness. He considers that a tendency to peace is inherent in man, but that on the union of individuals in societies, and the consequent struggle for existence, warfare between such societies followed as an immediate and necessary result; as if the social instinct which attracts man to his fellow were not as fundamental a law in his nature as the selfish instinct which prompts him to hate and destroy his kind. Montesquieu is uncertain and perplexed as regards this great question. The following extract from a *Lettre Persane* may, perhaps, more clearly show his point of view. "I have never heard a discussion on public rights when the subject was not complicated by inquiries into the foundations of society. This seems to me ridiculous. If men, instead of associating themselves in communities, fled from each other, such desire for mutual separation would need explanation; but they are joined together from birth. A son is born near his father, and abides with him: here we have society, and the cause of society."

Still, as he must of necessity give an opinion and adopt a formula, he shelters himself behind the vaguest and most obscure definition: "Laws are, in the widest sense, the necessary relations which proceed from the nature of things." Truly is this the widest sense, a sense so wide that it defies analysis, and loses itself in the infinite. It is an algebraical formula, which can be applied to all cases, but exactly expresses none. Strictly true of mathematical laws and the physical laws of nature, it is only remotely

and relatively so of civil and political laws; and even then its correct application would involve the going back to the original meaning of the word law through all the transmutations and degradations which it has undergone. Montesquieu is not arrested by this difficulty. He states his formula, passes over all intermediate ideas, and goes straight to legislation, properly so called—his real object.

Here he is overwhelmed with facts—completely embarrassed and overcome. We see him toiling at his work, losing himself, then returning harassed to the right way, recovering breath and starting again, only to lose himself once more. "Many times did I begin this work, many times did I abandon it, and a thousand times did I scatter to the winds the pages I had written. . . . . I found the truth, but to lose it again." At last the polar-star appeared: he found his way, and henceforth had but to walk to the light.

The year 1729 marks this important era in Montesquieu's career. What he has called "the majesty of his subject" was then revealed to him, and he felt that from the standpoint to which he had attained he should (as he expresses it) see "laws flowing as from their source." "When I had discovered my principles, all that I sought came to me. . . . I found that particular cases adapted themselves, as it were, spontaneously to these established principles." Let us consider them, for they give the key to the work.

"Men are governed by many things: climate, religion, law, the maxims of government, the example of past

things, customs, manners; and from the union of such influences a general spirit is produced." These elements, which enter into the composition of every human society, and the spirit which animates that society, are connected and correlative: it is not a fortuitous concourse of atoms, but a living organism. Laws are the nerves of this social body, and must be suited to the nature and functions of the organs which they animate. They are subject to certain causes, of which some are insusceptible of change, while others are modifiable, though the process of modification is slow and very difficult.

"They ought to be fitted to the physical conditions of a country, to its climate, whether hot, cold, or temperate; to the nature of its soil, to its situation and extent, and to the way of life of its people; they ought to respond to the degree of liberty which the constitution can bear, to the religion of the inhabitants, to their idiosyncrasies, their wealth, their commerce, their number, and to their habits and manners. Finally, they have relations with each other, with their origin, with the design of the lawgiver, and with the order of things on which they are established. From all these points of view must they be considered, and I shall so consider them in this work, examining them in all the relations which form collectively what is called the 'spirit of the laws.'"

The social institution thus regarded is, in Montesquieu's eyes, the soul of human societies. If it is healthy and vigorous, the community prospers; if feeble and corrupted, it decays. The reforms that regenerate and the revolu-

tions that destroy societies are dependent on the degree of knowledge which is possessed concerning the social institution. Furthermore, no institution is, in itself, superior to another: there are conditions of existence, public and private usages, a national spirit, and, so to speak, a general tendency, to all of which a particular institution must adapt itself; and each nation will find that the best and most reasonable which is most in harmony with the character and traditions of its inhabitants.

From this point of view Montesquieu examines the different species of government, in each case distinguishing the nature from the principle. The nature of a government is that which gives it being; its principle is that which causes action. To define the nature of a government is to determine its structure; to define its principle is to analyse the nature and passions of the men who conduct it.

First, as regards the nature of governments. Montesquieu divides them into three classes: republican, monarchic, and aristocratic. If the whole body politic, or a portion of it, has the power, the government is democratic or aristocratic; if the power is exercised by one only, according to fixed and permanent laws, the government is monarchic; if it is exercised arbitrarily, by the individual will or caprice of the sovereign, the government is despotic. This classification has been criticised: Montesquieu confuses the constitution of a state which may be autocratic, oligarchic, aristocratic, or democratic, with the government of a state which is

necessarily monarchic or republican. The fundamental types of constitution and government amalgamate and produce mixed systems. But it is unnecessary to insist on these distinctions: Montesquieu considered them as merely the frame to his picture, and the essential thing is to ascertain the disposition of the picture.

It contains two principal groups: the laws which result from the nature of the government—these are political laws; and those which result from the principle of the government—these are more particularly civil and social laws. Montesquieu shows the causes of stability and decay in both kinds. "The corruption of a government," says he, "nearly always begins by the corruption of its principles." Here he is very grand, giving forth the very essence of his thought, the great and beneficent counsel of his work. "Custom," said Pascal, after a study of Montaigne, "makes equity, simply because it is received; this is the mystic cause of its authority. He who brings it back to its principle destroys it." "Law proceeds from the nature of things," answers Montesquieu; "its *raison d'être* is the cause of its authority. He who brings it back to its principle strengthens it." Montesquieu's judgment is truer and more profound.

The study of the nature of governments fills the first eight books of the *Esprit des Lois.* Montesquieu proceeds from these fundamental laws to secondary laws, and he considers them successively in their relation to the defence of the state, to the political liberty of its citizens, to the taxes, the climate, the soil, the morals, manners,

civil liberty, the population, and religion. This is the subject of Books IX—XXVI. Books XXVI—XXXI, important as they are in themselves, are scarcely more than a supplement to an essay on the Roman laws of inheritance, and to an unfinished history of feudal laws in France. And there is a pause in the work at the end of chapter xxvi. The wonderful cohesion which has hitherto given it so majestic an air is lessened in the further development of the subject, and there are numerous digressions in the later books.

For though the author's mind is vast indeed, it cannot comprehend within its limits the enormous mass of notes collected during thirty years of study. The frame is not large enough for the picture, large though it be; we see that the canvas is distended here and there, and stretched beyond it. Montesquieu felt this himself. As long as he was engaged upon the earlier books he was full of joyful ardour. "My great work advances with giant strides," he tells the Abbé de Guasco in a letter written in 1744: this was the time when "all that he sought came to him." But little by little the accumulation of facts obstructs the issues—he forces them to his purposes. "I see that all adapts itself to my principles," he writes towards the conclusion of the work: but he can no longer say, as formerly, that he sees "individual cases adapting themselves as if spontaneously." So his efforts are redoubled: he consults and compares texts, and amasses, but no longer succeeds in welding his materials, and he becomes tired and excited. "My life is advancing, and my work

is receding because of its immensity," he writes in 1745; and in 1747: "My work becomes heavier. . . . I am overcome with weariness." The feudal books—the final ones—exhaust him entirely. "It will take perhaps three hours to read them, but I assure you that they have cost me so much toil that my hair has turned white." "This work has nearly killed me," he concludes, after revising the last proofs, "now I must rest; I shall work no more."

This fatigue was chiefly caused by Montesquieu's anxiety that his work should be perfect; and an invocation to the Muses, which he intended to insert at the beginning of the second volume, and before Book xx, expresses this feeling in exquisite phraseology, in form antique and fresh in spirit, a foretaste of André Chénier's prose: "Virgins of Pieria, hear ye the name that I give you? Inspire me. The race I am running is long: I am bowed down with sadness and weariness. Pour into my soul the delight and sweetness which it knew once, though they flee from it now. If ye will not that the severity of my toil be lightened, yet let not the toil itself be visible; let it be that the world learn, but that I teach not; that I think while I seem but to feel. . . . When the waters of your fountain gush from the rock that ye love, they rise not into the air to fall to the earth again; they flow through the mead. . . ."

The artist in Montesquieu is as exacting as the thinker; he gives as much anxious thought to the literary composition of his work as to the method and the search for

principle. He desires that perfect order should reign in his book, but would have no obtrusion of order—it must only be felt; he contrives perpetual variety to refresh the reader during his monotonous journey, and to divert his attention from the heavy load he has to carry. Wishing "to induce thought rather than to be read," he always leaves something for his reader to divine, and by this means flatters his keenness. "We remember," he says somewhere, "what we have seen, and we begin to imagine what we shall see; our soul rejoices in its greatness and penetration." Montesquieu is unrivalled in the skill which he shows in designing alleys and opening avenues, in providing for rest in shady groves by the way, in suddenly pointing to a fine prospect when the road is level and easy, and in causing delightful anticipations of such when it is steep and difficult. Having a thorough knowledge of the men of the world for whom he writes, he is well aware of their impatient curiosity, the desultoriness of their reading, their horror of being wearied, their desire to reach the end, their haste to start again; he knows, too, that with them reflection is ever impromptu. Hence the numerous divisions in the book, the chapters, which in three lines state a great problem, the multiplication of titles and sub-titles—a constant *memento* to the fugitive memory, a stimulus to surfeited curiosity, a perpetual admonition to frivolity. He interrupts himself, calls his reader's attention, apologises, so to speak, for keeping him so long, and beseeches him to come still further: "I am obliged to wander to the right and left to find my way to

the light . . . I should like to glide down a peaceful river: I am carried away by a torrent."

Montesquieu was absent-minded, he was short-breathed, and his sight was weak. He therefore dictated, and could talk while dictating. "I see," he remarked once, "that some people take fright at digressions; now, I think that they who know how to make use of them are like people with long arms—they can reach farther." Montesquieu certainly abuses his power in this direction; but we ought neither to depreciate his skill nor the value of digression. Compare the *Esprit des Lois* with the *Démocratie en Amérique:* there is the same harmony in organisation, the same loftiness of thought, the same breadth of view in both. Whence comes it, then, that an indescribable stiffness and austerity, a kind of Jansenist melancholy, pervade Tocqueville's work, while Montesquieu's is so graceful in its careless manner and joyous, pleasant air? It is because Tocqueville is of Normandy, that land of clouded sky and humid valleys opening to an ever-troubled sea. Besides, he is a man of one task and one object; he has neither dissipated his thought in reading nor wasted his life in amusement: he lacks the wandering curiosity, the chance anecdote, the flash of wit, springing from one knows not where; he lacks colour and, in a word, wit. He is not of the race of Montaigne.

The division—one might almost say the dismemberment—of the books and chapters in Montesquieu's work is even carried out in his phraseology, which is brisk, and

at times almost too concise. He delights in flinging a dart, but he is soon out of breath, and as the darts multiply the pauses multiply also. Buffon—who was deep-chested and long-winded, who could never resolve to punctuate his paragraphs or divide his sentences, and to whom everything appeared in grand, periodic movement with the majestic ebb and flow of the sea—has reproached Montesquieu with his abrupt transitions of thought and style. "The book," he says, in his famous speech before the Academy, "appears clearer thereby, but the author's meaning remains obscure." This is an exaggerated criticism: it is not for obscurity that Montesquieu can be criticised, but rather is it for an excessive concentration of light—a continued reflection from converging lenses. Madame du Deffand, by way of a *bon mot*, and Voltaire from jealousy, have accused him of putting too much wit in his book. He has certainly furnished a supply of wit for all the authors who wrote on the subject of law before his time, and for most of those who have treated of it since. If it were necessary to find an excuse for him, this one would doubtless be accepted by posterity.

Still, let us recognise this fact: if there is infinite and exquisite art in the *Esprit des Lois*, there is also some artifice. Montesquieu thought thereby to propitiate censorship, baffle the Sorbonne, and obtain a free circulation for his book in France, without detriment to himself. He did not wish, if it could be otherwise ordained, to be obliged not to acknowledge it, as he had formerly been obliged not to acknowledge the *Lettres Persanes;* for,

writing now as a moralist, not as a satirist, he distinctly desired the meed of praise. The licentiousness and irreverence of his youth had given place to the respectful tone of a man who takes life seriously, and sets himself to instruct humanity; and though a touch of libertinism is still perceptible—notably in the digressions—and when in the development of his subject the author goes back to the East and treats of polygamy, still these are but few episodes in the work, and if he pauses somewhat complacently to consider them, the pause is a brief one. But profanity has not been followed by exclusive veneration. Montesquieu treats of religion, as he treats of all human institutions, with gravity. In his *Considérations sur les Romains* he had, as it were, eliminated Providence from history: he does not eliminate religion from society, but counts it as one of the many elements that compose the life of a state: he assigns to it a place after the army, after the political constitution, after the climate, the soil, and the manners, and between the commerce, the population, and the police. This is not a just historical proportion or a true measure of society, still more is it at variance with the teaching of the Church; but it is thoroughly in harmony with the spirit of the book—a spirit the reverse of orthodox. Montesquieu was well aware of this: he knew that he was in bad odour with Rome and the Sorbonne, and was disturbed that such should be the case.

He therefore proceeded to seek a remedy—the only available one—the expedient which Montaigne had em-

ployed (as did Buffon subsequently): scattering here and there throughout his work prudent limitations, wise reservations, and fine professions of faith. These were absolutely irreconcilable with its spirit, but judged separately, as extracts, were calculated to lull any suspicion of the author's doctrines. Montaigne had brought to this literary subterfuge an ironical and sceptical *bonhomie*. Buffon enacted his part therein with an ease and haughtiness intended to mystify the simple; but Montesquieu is neither so careless as Montaigne as to what he pledges himself, nor so bold as Buffon in affronting the powers that be; he proceeds with an awkward timidity which instantly betrays him, and which could and did deceive no one. He declares that he considers the "true religion" as quite apart from all others; but this is only parenthetically: in the body of the work he speaks of it, as he does of other forms of faith—that is, in the secular and impartial tone of a legislator. He admits that some religions are in themselves less good than others, and that the "revealed religion"—the most perfect of all—"that of which the root is in Heaven"—does produce more or less happy results, which vary according to the nature of the countries in which it is propagated and that of the men who practise it. "When Montezuma asserted that the religion of the Spaniards was the best for their country, and the religion of Mexico the best for his, he uttered no absurdity," but he uttered a heresy; and though he could not know this, Montesquieu was perfectly aware of it.

He hoped, however, that as regarded religion he might escape censure by means of these verbal reservations. In political matters he felt that there would be more difficulty, so he suppressed, as being quite too dangerous, a chapter on the *lettres de cachet*, and skilfully veiled any observations which might be considered seditious, and any comparisons which might offend a foolish patriotism. This may be one of the reasons that induced him to describe the very local phenomenon of the constitution of England in a general, or as it were a cosmopolitan manner, without the use of technical terms or proper names—appearing to present the result of his observations in different countries, and to reduce to a common type a number of analogous institutions. This generalisation, though not quite allowable, has been often cited as an act of prudence. In some other cases he deals in veiled allusion. The chapter entitled, *Fatale conséquence du luxe à la Chine*, is simply a Chinese letter: he alludes to Frenchmen only.

The chapter—one of the most profound in the book—in which Montesquieu explains *Comment les lois peuvent contribuer à former les mœurs, les manières et le caractère d'une nation*, affords a striking instance of these rhetorical precautions. England is in question, but is not mentioned: Montesquieu proceeds by way of hypothesis, and is thereby obliged to strange circumlocutions:

"If this nation inhabited an island it would not be a conquering nation, as the conquest of distant countries would weaken it. . . . If this nation were situated

towards the north, and possessed superfluous staple commodities, needing, at the same time, much that its internal resources could not supply, it would carry on a vast and necessary commerce with the people of the South. . . . It might be that this nation, envying the situation and the excellent ports of a neighbouring country, together with the special nature of its wealth, had subjugated that country: while it conceded to the vanquished country its own laws, it would keep it in a state of complete dependence. . . ."

Here we feel the effort, and see the exaggeration and abuse of the method. This striving after ultra-refinement, these covert allusions intended for the wise, lead to the worst result—a heaviness and awkwardness in the midst of the subtlety. How much grander is Montesquieu when he dares to be himself, and to call things by their right name! Why did he not give to this profound study of the English political system the style of the masterly disquisition on the *Esprit de l'Angleterre sur le commerce*, which is to be found a little farther on in the following book? "Other nations have made commercial interests subservient to political interests: this nation has always made its political interests yield to the interests of its commerce. This people, of all others, has best known how to enlist in its service these three great things—religion, commerce, and liberty." Had Montesquieu uniformly written thus, instead of a picture after the manner of Paul Veronese —as Voltaire felicitously said—a picture of "brilliant colours, facile treatment, and some defects of costume,"

we should have had a painting after Rembrandt—a luminous and vivid representation of reality.

But if Montesquieu adopts this method sometimes by way of prudence, it is more frequently the taste and humour of the wit which dictate it. A certain mystery of language and expression is in good style, and, besides, sets off a dry and thankless subject. The generalisation which sometimes discreetly veils his thought is more often an ostentatious drapery, the drapery in fashion, and Montesquieu naturally clothes his ideas therewith, being influenced by the current taste, and by a secret desire of flattering the caprice of his contemporaries. He has his own vocabulary and rhetoric, and to understand him thoroughly it is necessary to familiarise oneself with his expressions and figures of speech. As regards the expressions the task is an easy one. Montesquieu is an excellent writer, and knows well what he is about: when his method is once grasped, one always knows what he means. It is otherwise with his imagery. Sometimes it is necessary to transpose and write again, to guess the allusion and give distinctive names to the grand general proposition; but this must be done with excessive circumspection.

We should depreciate Montesquieu, and entirely mistake his design, running, besides, the risk of grievous mistake, were we to apply to his work as a whole a system of interpretation which is only reasonable in a few individual cases. Montesquieu has a genius for generalisation: in that lies both his greatness and his weakness. Let us take him as

he presents himself to us; let us read his book as it is written, without commentary, almost without notes. It is not without some motive that Montesquieu, who had collected so vast an amount of notes, has published so few. If, in several places, he wished that the reader should say to himself: "This is England, or this is Versailles," he has also wished him to think in the same passages: "This is what will happen everywhere if the same course of action is pursued, under the same conditions, as in England or at Versailles." He wished that everyone should be able to apply the instances he has presented in a different way: that one should not know whether one is at Rome, Athens, or Sparta, but only that one is under the influence of a democracy, and in the midst of a republic; that the features of Spain should be recognised side by side with those of France in the painting of monarchy, yet that the representation should not be of Spain herself, or of France herself, but of the features common to both. He hoped that it would be with the whole of his work as with a chapter in Book XIII, entitled, *Comment on peut remédier à la dépopulation.* Read it while turning towards the south, and, lifting your eyes, you will recognise Spain; turn towards the east, and you will think that Poland is intended. The fact is that the example was drawn from several countries, that the conclusion is general, and that the lesson may be as well applied to these nations as to any others in the same circumstances.

Montesquieu had, in a word, produced a classic work. He does not follow the different governments through all

the stages of their historical development and through their successive revolutions, but he shows them in a finished state and well-defined—an illustration, so to speak, of all the epochs in their history. There is neither chronology nor perspective—all is on the same scene—a unity of time, place, and action, as one can see it on the stage. Montesquieu considers the laws only, their object, their influence, and their destiny; all other matter is the groundwork—not the edifice itself. He has constructed the basement as solidly, and driven in the piles as deeply as he had to toil anxiously to find *terra firma*—but he disguises this labour. He has studied and painted the monarchy and the republic, as Molière studied and painted the *Avare*, the *Misanthrope*, or *Tartuffe*; as La Bruyère studied his *Grands*, his *Politiques*, and *Esprits forts*. We honour him, as we do his masters, the classic authors, in showing how his gallery is preserved to history, and how one could attach name and date to each of his pictures: we should force his thought in particularising further.

But we should pervert it by considering it as only abstract. Montesquieu strives to form general ideas by means of the facts which he has observed; he does not pretend to evolve by pure speculation absolute and universal ideas. He tries to exhibit a general type from the monarchies and republics which he has known, and deduces no *a priori* ideal, the monarchy in itself or the republic in itself; whence it follows that the principles laid down and the laws flowing from them can only be understood and appreciated fully in their relation to facts.

## CHAPTER VI.

### THE "ESPRIT DES LOIS."—POLITICAL LAWS AND GOVERNMENTS.

THE book on governments begins by the Democratic one, that is to say, by the government where the people, as a body, enjoys sovereignty. Montesquieu appreciates it from Rome, in the times when the republic was still identified with the city; from Athens and Sparta, "at a time when the Greek people was a world in itself, and when the Greek towns were nations." The republic, thus constituted, implies a limited territory; the citizens, few in numbers, and subdivided into classes; they possess slaves; their only occupation is politics and war; they are at liberty, in the leisure which their private life allows them, and thanks to the small extent of the city, to apply themselves, directly and constantly, to the numerous and engrossing functions of a citizen's life. No commercial pursuits, or very little of them, and those only which imply the spirit of "frugality, economy, moderation, wisdom, quiet, order, and rule." The land is equally divided amongst them; if the properties were too large and trade too developed, the result would be the increase of private wealth, and, consequently, the ruin of equality. Hier-

archy is strictly maintained between the classes; "only in the corruption of certain democracies was it possible for the handicraftsmen to become citizens."

The people, as a body—we mean the assembly of the citizens—makes laws and exercises sovereign power. "Its suffrages are the expression of its will." The magistrates are selected from men whose opinions are known, and whose transactions are subjected to a continual supervision. The people act according to the spirit of true equality, which consists in both "obeying and commanding their equals." They enjoy that kind of freedom which Bossuet had admirably defined before Montesquieu,—"a state where no one is subject except to the law, and where law is more powerful than man." This is a very singular condition, to which cannot be applied the ideas we, in our modern times, have of liberty. Our liberty is essentially *civil* and individual; that of the ancients is exclusively *civic*, and depending upon the state. Freedom of conscience is according to us the foremost and most essential of all; the ancients did not even conceive it. Liberty, for them, consisted solely in the exercise of sovereignty. The individual had no other right but his suffrage, and his suffrage exhausted all his right; in other respects he was bound to acknowledge as a rule in all things the plurality of suffrages,—in his creed, his family, his property, his work, and his every act, the plurality of the suffrages being the law of the state. Such, if we believe Montesquieu, are the characteristics of the republican government under a democracy.

A government of that kind could be established only in a society of men where the deep-seated sense of social solidarity, the common view as to the interests and needs of society, the equal devotedness of all to the commonwealth, have allowed the establishment of institutions so antagonistic to the instinct of rebellion, selfishness, and concupiscence which is innate in us all. These moral conditions of democratic government are its *raison d'être*. This explains Montesquieu's final summing up, that *virtue* is the principle of such a government; hence also his definition of democratic virtue: "The love of the republic . . . the love of the laws and of the fatherland . . . the love of the fatherland, that is to say, the love of equality."

The virtue of which we speak, after having created the institutions, is alone capable of carrying them on. The laws, therefore, should train the citizens to virtue, and oblige them to practise it. The omnipotence of the state over the family, the compulsory education of children, the division of property, the limitation of inheritances, the sumptuary laws—such is the spirit of these crushing legislations. Everything in them is the corollary of the maxim, "The safety of the people is the supreme law."

And yet, despite these terrible remedies, whether it is that they have not been applied in time, or that a bad use has been made of them, a democracy can become corrupt. This occurs when the spirit of equality takes a wrong direction, when a man's ambition is no longer limited to the "sole happiness of rendering to his native country

greater service than the rest of his fellow-citizens"; personal covetousness taints ambition and pride perverts it; private riches increase, and, with them, indifference as to the public good; the sense of individual liberty takes the place of that which the liberty of the state carries along with it; solidarity is lost; jealousy creeps in; no more discipline; equality dwindles into anarchy; morals have got rid of that austerity which cut at the root of so many selfish passions, only with the view of strengthening the social ones which it allowed to subsist; the citizens, in one word, have not that feeling of "self-abnegation," the spirit of all republican virtues. Then it is all over, and even the remedies become fatal, because the artificial strength which they give to the state only benefits tyranny, and completes the ruin of the republic.

"When the principles of the government are once corrupted, the best laws become bad and turn against the state; when, on the other hand, these principles are sound, bad laws produce the effect of good ones; everything is affected by the strength of the leading principle." . . . . "The principle of democracy becomes tainted, not only when the spirit of equality is lost, but when it is carried to extremes, and when everyone aims at being on a level with those whom he selects as his rulers. . . . In such a republic virtue is impossible."

Montesquieu's conception of democracy seems widely different from the spirit of our modern civilisation. If we compare the two together, the democracy of the ancient world seems a paradox and a Utopia. The fact is that

Montesquieu, in his endeavour to find around him some surviving specimens of these societies which have long ago disappeared, can discover nothing similar to them but convents or the political world of Paraguay. If, indeed, we think for a moment of our modern views of the fatherland, religion, labour; if we reflect upon the incessant transformation of institutions, creeds, fortunes, even of manners, can we imagine anything more opposed to the doctrine of progress, and to the *Declaration of the Rights of Man*, than the spirit of those old democracies, with their hierarchy, their slaves, and their official despotism? Montesquieu did not foresee the rapid advent and wonderful development of modern democracy, still less did he believe in the establishment of democratic republics in extensive countries. Alluding to the institutions of the Greeks,—"We cannot look for this," said he, "in the confusion, the turmoil, the multiplying of business which belong to a thickly populated country." "The Greek politicians, who lived under the government of the people, acknowledged no other sustaining force but that of virtue. Those of the present day speak to us only of manufactures, trade, riches, even luxury."

Montesquieu little suspected that those manufactures, this trade, these riches, the very luxury which he deems incompatible with democracies, would become in course of time their fundamental element; that this revolution, after having permeated his own country, would spread throughout Europe. There may, nevertheless, be found in every democracy organic and permanent characteristics

which subsist, notwithstanding the external difference. Montesquieu has considered his subject from so lofty a standpoint, and with so deep a search, that he has discerned the most essential of those characteristics. Many of the advices drawn by him from the sight of ancient democracies apply with equal force to those of the present day. The same excesses threaten to corrupt the government now as they did then. The state rests upon plurality; now plurality consist of individuals who are constantly being blinded by their selfish passions as to what constitutes public interest. These individuals are always inclined to confound liberty with the right of enjoying a share in authority, the public exchequer with the common patrimony of private citizens, progress with continual innovations, and right with number, that is to say with force. Thus, under the *régime* of a constitution founded upon equality and individual liberty, the majority aims at enslaving the minority, and the state at absorbing the nation. We must therefore never be tired of repeating to ourselves that the worth of liberty is in the same proportion as the character of those who exercise it, and that the same relation exists between the law and those who make it, the government and those who are at its head, the state, finally, and the nation, that is to say, the individuals who compose it. Each one is responsible for the common good, and accountable for the interests of all. If the majority of the citizens is greedy, jealous, insubordinate, equality produces spoliation, ostracism, and anarchy; hence, as a necessary result, the

decay of the state. The more extensively spread are the rights of each individual, the more exacting do his passions become. In proportion as the implacable law of struggle for existence stretches its empire over societies, it becomes more necessary that democracies should seek fresh strength in their fundamental principle: national solidarity, the real love of the country, social union for the furtherance of the common good. Now what is all this but virtue, according to Montesquieu's definition?

The virtue we have thus described would not be less necessary to aristocracies, to the republics, we mean, where the sovereignty is in the hands of a few. Montesquieu discusses at considerable length this subject, but it possesses no interest for us, oligarchies having disappeared from Europe. They still existed in Montesquieu's time; he had observed the working of that form of government at Venice, and studied it as it appeared in Poland. It is, says he, the most imperfect of aristocracies, "for the part of the nation which obeys is in a position of civil slavery to that which rules. The republic subsists in Poland for the benefit of the nobles, and they ruin it. If it must be kept up, the aristocratic families should as much as possible identify themselves with the common people." Their privileges must be perpetually renewed and justified by fresh services, otherwise the republic is nothing else but "a despotic state subject to a number of despots." The independence of each one of them becomes the object of the laws, and the oppression of all is the final result. The

nobles being very numerous, if they are tainted by corruption, every spring is broken in the state. "Anarchy degenerates into annihilation." An aristocracy thus constituted needs some motive of fear to keep it constantly on the watch. "The greater security of these states, the more liable are they to be corrupted, like stagnant waters."

Causes for anxiety abounded both at Venice and in Poland, but in the blindness resulting from their weak condition, they trusted to a deceitful public right which no one respected. The division prevailing amongst their enemies was also for them a motive of security. The Venetians abdicated, if we may so say; the Poles surrendered, being more divided in their factions than the neighbouring states in their rivalries. An agreement was more easily come to between Russia, Prussia, and Austria for the dismemberment of Poland, than between the Poles for the defence of their country. We find a ready comment of Montesquieu's principles in the appeal of the Doge Rénier (1780) and the attempt made in 1790 by the Polish patriots for the regeneration of their country. The downfall of both these aristocracies justifies his opinion. "If a republic is small," said he, "it is destroyed by a foreign power; if it is extensive, it falls the victim to an internal disease." Venice and Poland got into danger by the internal disease, and were destroyed by foreign might.

Democracy was only for Montesquieu a kind of historical phenomenon : it reigns now in some of the greatest

nations of the world; and aims at invading all the others; the monarchy he describes was in his days the prevailing form of government in Europe; it has now almost entirely disappeared. Our author studies it out of a spirit of predilection, devoting a chapter to point out its excellence. We cannot doubt that, whilst composing that part of his book, he was constantly thinking of the French monarchy and of the decay by which he believed it to be threatened. France was on the road to despotism, and nothing was more contrary to despotism than monarchy such as he conceived it. Bossuet had drawn a line between absolute monarchy where the prince governs in agreement with the laws, and arbitrary monarchy where he follows no dictates but those of his caprice. This latter form Montesquieu calls despotism, and he applies the epithet *monarchy* to the state where "one person alone rules according to fixed and established laws."

It is in the nature of a monarchy to have fundamental laws. The monarch is the source of all political and civil power, but he exercises his authority "through canals, so to say, which transmit that power." The intermediate agents, subordinate and dependent, moderate and temper the "capricious and momentary will of the king." The nobility and the clergy are the first two of these powers; the third is a body of magistrates who have committed to their care the fundamental laws, and remind the prince of them whenever he seems inclined to forget what they are. This hierarchy is the necessary condition of monarchical government.

Honour forms the principle of a monarchy, in the same way as virtue is the basis of a republic; honour is not opposed to virtue; it is *par excellence* the political virtue of a monarchy. In the opinion of a republican, political virtue consists in the love of the country, and in that of equality. Devotedness to the king and love of privilege are the political virtue of a monarchist; thus he serves the king, and whilst serving him keeps him up to his duty. If monarchy was formed, the reason is that the nation was not capable of self-government; the power was thus delegated to a chief and to his descendants. As obedience is the substratum of that government, in order to maintain it, it was imperative that obedience should be glorious, and that it should not degenerate into subjection. For want of independence, light-mindedness was a necessary requisite. Such is the effect of honour. If we wish to understand this chapter, we must read its comment in the *Memoirs of Saint-Simon*.

The laws which flow from that principle, and which are, consequently, the spring of monarchical institutions, are those which form the sense of honour and the prerogatives upon which honour remains established. These are privileges, the rights belonging to the eldest son of the family, substitutions, and the exclusion of the aristocracy from commercial pursuits.

As a monarchy subsists by the very opposition of the intermediate powers, its essence is moderation. If it ceases to be moderate, it runs a serious danger, and it perishes from the corruption of its principle. Honour

becomes vanity, obedience dwindles into servitude; instead of being a virtue, it is a means of *getting on.* The voice of the court absorbs that of the state. "If the prince likes the souls of free men," says Montesquieu, "he will have subjects; if he is fond of depraved souls, he will have slaves. These he is sure to have, and he degrades them by subjecting them to his caprices; he reduces the magistrates to silence, suppresses the fundamental laws, governs arbitrarily; thus absolutism corrupts the court, and by its example the court in its turn corrupts the people. The manners which had made the monarchy disappear; the corporate bodies lose their dignity; privileges have no further *raison d'être*, the privileged classes are shorn of their authority, and thus the nation is carried on, as it would have been by the suppression of privileges, to one or the other of those inevitable goals of decrepit monarchies:—the popular state, or despotism."

Montesquieu detests despotism; he makes of it a frightful picture, but it is a picture which lacks life. He has not observed facts, and has been unable to consult trustworthy documents. The only despotism with which he is acquainted is that of Eastern countries, of Ispahan or Constantinople,—the despotism of the *Lettres Persanes*, with its mysterious seraglios, its formidable harems, its jealous sultans, and its melancholy eunuchs. He should have known Russia: it would have revealed to him the nature of despotism tempered by religion, a form much more accessible to Europeans. Montesquieu has had only a distant and confused glimpse of the autocracy of the Tzars.

The condition of Russia then, and its state since, weakens many of his maxims, and destroys some.

"In despotic governments," he remarks, "no one is attached to either the state or the prince." Now, here is an empire where the prince is the living and arbitrary law, and where the affection which he inspires in the people constitutes all the strength of the state. Montesquieu does not believe that such a government implies magnanimity; but Catherine II and her grandson Alexander have proved the contrary. He thinks that the right which the Czar enjoys of appointing his successor gives unsteadiness to the throne, "the order of succession being one of those things which it is most important that the people should know." During the whole of the eighteenth century the order of succession to the throne of Russia has been subjected to the greatest anomaly, and yet this throne has constantly gained in strength; and if the Russian people have inquired what the name of their new master was, it is for the purpose of changing in their prayers the name of the saint they were in the habit of invoking. As a withering conclusion of his views of despotism, let us note that famous chapter which has only three lines, and presents so grand an image:—"Whenever the savages of Louisiana want to get some fruit, they cut down the tree at the root, and gather the fruit. Such is despotic government." Yes, it is the despotism of the Sultan; but it is not that of the Czar Peter or of Catherine the Great.

We ask ourselves why, discussing hardly any despotic governments besides the monstrous one of the East,

Montesquieu has so dwelt upon them, why he examined with such interest their nature, their principle, and the corruption of that principle. We must, no doubt, allow something for symmetry; nor must we forget to take into account the impression resulting from the perusal of the works of Tavernier and Chardin. It is likewise natural to believe that Montesquieu was looking out for an effect of contrast; he wished to show thus the excellence of monarchy, the danger of its degenerating; and thus, by a natural transition, he prepared his readers the better to grasp his views on political liberty.

This special subject has been discussed by him in a separate book; for political liberty is compatible with several forms of government, without being necessarily bound to any of them. Montesquieu distinguishes it from national independence, which means the freedom of the nation with reference to foreigners, and from civil freedom, that is to say, from liberty as it affects both persons and property in the nation itself. He defines political liberty "the right of doing all that is permitted by the laws"; "liberty can consist only in the ability of doing what we wish to do, and of not being compelled to do what we should not wish to do." This definition is vague and insufficient. The law may be, and has been, an instrument of despotism: it might order me to do what I ought not to wish to do, and *vice versâ*. The Acts against Roman Catholics and Dissenters in England were laws. Freedom of conscience reigned in the dominions of Frederick the Great, where the king's power was uncon-

trolled; it did not reign in England, despite a responsible parliament and responsible ministers.

Where, then, is liberty? "Political liberty can be found only under moderate governments; but it is not always there: its presence requires that power should not be abused, and in order to this, it is necessary that power should, if necessary, keep power in check." Such is the famous theory of the separation of powers. Montesquieu sums it up as follows: "When, in the same person, or in the same body of magistrates, the legislative and executive power are combined, no liberty is possible, because it may be dreaded lest the same king and the same senate should make tyrannical laws with the view of executing them tyrannically." This circumstance has been seen in France, both under the *régime* of absolute monarchy, and under that of political assemblies,—witness the revocation of the Edict of Nantes, the *Loi des suspects*, the *Loi des otages*. There must be, then, a separation of the executive from the legislative powers, as a guarantee of liberty, but an insufficient one. "There is still no liberty if the judicial power, too, is not a distinct one." For if it was united to the legislative power, the life and freedom of the citizens could be arbitrarily disposed of, the judge being also a legislator. If it was associated with the executive, the judge might turn oppressor. Such, in fact, was the case in many of the governments of Europe, the French one, for instance, and that is why Montesquieu called them moderate governments.

He had not invented that system; Aristotle had

expressed it before him, but no one had done so in so simple and evident a manner. Montesquieu caused it to pass from theory to practice, and rendered it popular. It is only in England that he saw the application of these rules, and it is England which he describes when he presents to his readers the example of a nation "the direct aim of whose constitution is political freedom."

Montesquieu does not write the history of that constitution, and if he glances at the problem of origins, it is merely for the purpose of repeating in the *Esprit des Lois* a paradox which he was very fond of, and which had already appeared in the *Lettres Persanes*. "If you will take the trouble of reading the admirable work of Tacitus, *de Moribus Germanorum*, you will see that the English borrowed from the Germans the idea of their political government. That splendid system has been discovered in the woods." Montesquieu boasted of being descended from the Goths, who, "conquering the Roman Empire, founded everywhere monarchy and liberty." He had special reasons for seeking in Tacitus the elements of the English constitution, and special privileges for discovering them. Learned men have made the same search, with the same results, after him, and have shown these elements to a number of very clever persons, who are convinced that they have seen them. It would be impertinent to jeer Montesquieu on his *préjugé* about his birth, and we must be obliged to him for having stated it with so much good-humour and so little pedantry. Let us imitate him, and, without dwelling upon the problem, let us refer the

reader to Messrs. Gneist and Freeman, the one a German, the other an English historian, who stand up for Tacitus and the forests; to M. Guizot, and to his most recent disciple and continuator, M. Boutmy; these seem to me to have refuted Montesquieu by making use of his own method: they apply this method more widely than Montesquieu did himself, when they show that the origins of the English constitution are much more historical than ethnical, and that they sprang, not from the woods or the meadows, but from "necessities created by circumstances."

Montesquieu examines that constitution when it has reached its maturity, and in the degree of transformation when it can be compared to other states. He assumes that it is definitive; he collects and generalises its elements, as he did for the republics of antiquity. He insists specially upon that part of the institutions which can be transferred elsewhere. The English constitution, indeed, has found its way, not only in monarchies, but also, with a few outward changes, in the republics, where, owing to the extent of the territory, the people cannot govern directly.

Montesquieu describes as follows "the fundamental constitution" of the English government: a legislative body composed of the representatives of the people, selected according to a very wide system of suffrage, for it should "include all the citizens except those who have sunk to such a state of degradation that they are deemed irresponsible"; to this legislative body belongs the right

of making the laws and seeing that they are duly carried out :—there is an upper house, consisting of hereditary members; it helps with the legislative body to make the laws, except in the matter of taxes, lest it should be corrupted by the court; here they only enjoy the right of veto; finally we have an executive power placed in the hands of a monarch; for if legislation requires deliberation, and accordingly the co-operation of several persons, the carrying out of the laws implies *one* will. The executive power does not necessarily take the initiative; it does not enter into the details of business, but enjoys the right of veto. Supposing there is no monarch, the executive power cannot be entrusted to members of the legislature, for there would be then a confusion of powers; for the same reason the legislative body can judge neither the conduct nor the person of the king; but if the monarch is inviolable and sacred, his ministers are liable to be prosecuted and punished. Both houses meet periodically, and vote every year the amount of the taxes and the number of soldiers required for the public service.

The very general character given by Montesquieu to this theory has helped to propagate it, but at the same time it imparts to the chapter a literary dryness; it consists of nothing but maxims :—a capital sketch, but lacking both colour and life. It should be completed by the perusal of the nineteenth chapter, where our author describes the political habits of the English, and analyses that public spirit which is the real author, interpreter, and

guardian of their constitution. He points out the vigour and constancy of their love for political freedom, without forgetting the defects which that love implies. The state is in a continual turmoil; want of consistency characterises the government; corruption prevails in the elections and in business; authority is impatiently borne; jealousy and sharpness interfere with commercial pursuits; social intercourse is marred by that *hauteur*, that pride, which make it seem as if, even in times of peace, the English "were negotiating only with enemies." No doubt he carries too far the spirit of generalisation when he says the English are not conquerors by nature, and they are free from "destructive propensities." Why! have not the English conquered one of the largest empires in the world, and made on the largest scale the destruction of native populations? Montesquieu speaks too leniently of Ireland and of the despotism which reigns there; but, after all, he has well caught the *ensemble* of the picture.

He has brought out and exhibited that terrible national spring of the English which the Europeans of the continent had failed to see. With a stroke of the pen he has refuted the prejudice which, after having so long deceived the French, made the *Conventionnels* blunder, and ended by driving Napoleon to his ruin. In one word, he anticipated Pitt, and found out the formidable character of the twenty-three years' war, when he expressed the following opinion, which, deduced from facts and confirmed by history, deserves to be placed on the same level as the strongest scientific hypotheses.

"If some foreign power were to threaten the state, and imperil both its fortune and its glory, all minor interests giving way to the superior ones, there would be a general union to support the executive power. . . . That nation would be enthusiastically attached to its liberty, because liberty for the citizens would be the true one; and it might happen that, in order to defend their liberty, the nation would not hesitate to sacrifice property, comforts, interests. They would suffer the heaviest taxes, such as the most absolute sovereign would not venture to impose. . . . Their credit would be unshaken, because they would borrow from their own resources, and be their own creditors. It might happen that such a people would go beyond their natural strength, and employ against their enemies immense riches existing only in fiction, but becoming real through the strength and the character of the government."

We should like to dwell before this vast prospect, but then we should have only an incomplete idea of Montesquieu's views on the nature and principle of political constitutions. He further examines these laws in their relation with crimes and penalties, the raising of the taxes, and the national income. We have just seen what close bonds connect the question of public finances with that of political freedom. Montesquieu's definition of the taxes has become classical. "The revenues of the state consist of the portion which each citizen gives of his fortune in order to enjoy securely the rest." He proves the advantage of indirect taxes, and seems to

incline towards a progressive system of taxation. His illusions respecting the republics of antiquity perhaps led him in that direction; but he was chiefly influenced by the example of the capitation such as it was applied, in his time, to the privileged classes; that capitation was settled, not according to the fortune, but according to dignity and the social rank of the taxpayers. Montesquieu condemns the *régie*, and protests vigorously against the *gabelle* and the *maltôte*. "Everything is lost," says he, "when the lucrative profession of a *traitant* becomes an honoured one from the riches it implies."

Montesquieu's studies on criminal laws are justly considered amongst his proudest titles to the gratitude of mankind. Nowhere has he manifested greater strength of thought and a more delicate touch than in his chapter on the nature of penal enactments. Here his affinity to Montaigne appears very vividly. "We must not lead men on by extreme ways; we should be chary as to the means given to us by nature to conduct them. Let us examine the causes of all disorders, and we shall see that they arise from the impunity of crimes, and not from moderation in the inflicting of punishments." The next chapter, bearing the startling title, *Inefficiency of the Japanese Laws,* and forming the comment on the above maxim, embodies the real spirit of the eighteenth century. "Exaggerated penalties can corrupt even despotism itself." "A wise legislator should endeavour to lead people in the right path by a just admixture of penalties and rewards, by maxims of philosophy, ethics, and religion . . . . by the

due application of the rules of honour; by the torture which shame inflicts." Critics will say, no doubt, that is the philosophic idyll and the maudlin sentimentality of our fathers; well, the politicians of our age had not discovered a more efficacious means of dealing with criminals; and, towards the end of the last century, after the Reign of Terror and the Directoire, the result of excessive repressions was clearly seen. Montesquieu had foretold it: "There remains in the state a vice which such relentlessness has produced; the minds are corrupted, and have accustomed themselves to despotism."

We all know that Montesquieu had the honour of contributing to the abolition of torture, but readers have less noticed his irrefutable arguments against confiscations. It was an act of boldness to put forth these arguments then. Confiscation was the universal law in criminal courts; suppressed in 1790, it was re-established a short time after, and enforced with far greater excesses than during the worst period of the old monarchy. As for the *lettres de cachet*, Montesquieu condemns them indirectly when he praises the *Habeas Corpus* Act.

He lays down the true laws about freedom of thought and freedom of the press,—"Only outward acts are amenable to the laws. . ." "It is not *words* that are punished, but deeds in the performance of which the words are uttered. Words become crimes when they prepare, accompany, or follow a criminal action." The old monarchy knew nothing of that; it was loudly proclaimed during the Revolution, and shamefully violated

by the Revolution itself. Montesquieu only considered the abuses of monarchical legislation, but he condemned by anticipation the abuses of the Revolutionary lawgivers when he said: "Nothing renders the crime of high treason more arbitrary than when it is grounded upon indiscreet words." "It is another evident abuse to denounce as high treason an action which has nothing to do with it." He denies the application of the word to intrigues against cabinet ministers, as under Richelieu, or to coining, as under Valentinian, Theodosius, and Arcadius. He quotes Arcadius, as a declaration of 1720 did in the case of the forging of royal papers,—but he does not name that declaration, which, however, was remembered at the time of the *assignats*.

The worst abuse is when the accusation of high treason is applied to heresy and sacrilege. In Montesquieu's days this was the universally recognised law. The episode of La Barre and that of Calas made noise enough to impress everyone on that point. The declaration of 1724, which confirmed and summed up the most implacable measures of Louis XIV against the Huguenots, was in full activity. No more cruel law can be imagined; that which existed in England against the Papists was not worse. Autodafés were still practised in Spain and in Portugal. "The idea that the Deity should be avenged," says Montesquieu, "is at the root of this scandal." As the mere crime of sacrilege is a religious one, it can be punished only by expulsion from the place of worship, and the cutting off of the delinquent from the

society of the faithful. As for the sacrilege which leads to disturbances in religious services, it participates in the nature of offences against public tranquillity, and must be classed along with them. In other words, civil law is not cognisant of sacrilege, and is not qualified to repress it.

Montesquieu does not dwell upon the suppression of heresy, but he condemns it in a few words of lofty jesting, by parallels which are tantamount to a stigma. "This is a maxim worth considering: we should be very circumspect in the prosecution on a charge of sorcery and heresy . . . of what use, besides, are persecutions and penalties? Men who believe in the certainty of rewards beyond the grave will slip through the fingers of the legislator; their contempt of death is too great." Under the impression of this idea, he addresses a very humble remonstrance to the inquisitors of Spain and Portugal, disguising the pathos of the thought under the irony of the style. This remonstrance he places in the mouth of a Jew, and if you take it in a strictly literal sense, it applies to the Jews alone, but Montesquieu is thinking of France. He appeals indirectly to the persecution of the Huguenots, when in the next chapter he attempts to explain why "Christianity is so hateful in Japan." "The slightest act of disobedience is severely punished by the Japanese laws; if you will not abjure Christianity, you are guilty of disobedience, the sentence is accordingly pronounced, and if you persist in remaining a Christian, this fresh act of disobedience calls for further punishment. Punishments are regarded by the Japanese

as the vengeance taken for an insult offered to the prince." It was exactly the same in France for those who carried impertinence so far as not to believe in the religion practised by the king.

With reference to toleration, the advice contained in the *Esprit des Lois* does not go beyond the insinuations of the *Lettres Persanes.* Montesquieu wants the Edict of Nantes, the whole of it, and nothing but it. He dreads religious propagandism, because, according to him, it sows the seeds of discord in the state and destroys paternal authority in families. He dreads the retaliations of proscribed sects, which become *persecuting* when they cease to be oppressed. "Such is," he says in conclusion, "the fundamental principle of political laws, in matters pertaining to religion. If you are at liberty to receive a new religion in a state or not, do not sanction its establishment; if it is established, tolerate it. Should you think it expedient to destroy it, gentle and crafty means are the most efficacious. It is safest to attack a religious creed by favour, by the conveniences of life, by the hope of pecuniary advantages; not by warnings, but by encouraging forgetfulness; not by exciting indignation, but by fostering lukewarmness, when other passions act upon our soul, and when those which religion inspires are silent. As a general rule, invitations are better than penalties to bring about a change of faith." Such was the opinion of Richelieu, the great follower of Machiavelli in those matters; such was that of the politicians who, like Saint-Simon, blamed Louis XIV for having spoiled

by his violence and his pride the work of patience and of suggestion.

Some readers might perhaps feel inclined to look upon the above passage as merely ironical; they would, we believe, be mistaken, and Montesquieu expresses his whole thought. A state religion tempered by the indifference of the majority and the unbelief of the higher ranks seems to him preferable, after all, to the competitions of petty sects. He deems the clergy a useful order in the state, but its pretensions must be under restraint; its riches should be limited; now they were, at that time, far too great in France. Montesquieu dreads the influence, in political questions, of the priests, who, he says, understand nothing about politics. As for the monks, he despises them thoroughly, nor does he spare them the expression of his contempt. He goes somewhere so far as to place them in the same rank as conquerors, the most mischievous, he says, of all mortals. We must, nevertheless, praise him, and praise him very much for having composed these chapters. In the age in which he lived, it was already a great step in advance to treat publicly these grave points as matters of discussion and as a political article. It required as much boldness to speak of them freely in the presence of the Church as to deal with them respectfully amongst a company of libertines. Montesquieu rises at once above Voltaire, who, in matters pertaining to religion, could never entirely separate history from polemics, and polemics from jokes. *À propos* of Bayle, Montesquieu remarks:

"He argues badly against religion who in a voluminous work makes a long list of the evils which it has produced, if he does not give an equally full enumeration of the benefits it has conferred. If I wanted to relate all the evils which have resulted in the world from civil laws, monarchies, republican governments, etc., I could reveal frightful things."

These considerations on criminal laws and on toleration are grave and austere. Why is it that, carried away by some strange aberration of taste, Montesquieu introduced in those magnificent essays, as a kind of interlude, the most useless, the silliest, and the unkindest of digressions? We mean the chapter entitled: *On Outrages against Modesty in the repression of Crime;* we might add: *On Outrages against Modesty in the "Esprit des Lois."*

## CHAPTER VII.

### THE "ESPRIT DES LOIS."—CLIMATES, CIVIL LAWS, INTERNATIONAL LAWS, ECONOMICAL LAWS, THEORY OF FEUDAL LEGISLATION.

NO part of Montesquieu's works has undergone a severer criticism, especially from his contemporaries, than the one in which he treats of the laws in their relation to the nature of climate. That theory, says Voltaire, is borrowed from Chardin, and is none the truer. Chardin, besides, introduced it merely as a digression, in his chapter on the "Palace of the King's Wives." He refers his reader to Galen, who himself had caught his inspiration from Hippocrates. The idea is no new one, and if critics were astonished at seeing it revived by an historian of political institutions, it is because they lived in an age when those who prided themselves on legislating from the principles of natural law began by eliminating the most elementary components of nature—the air, the soil, the country, the race. Montesquieu's error does not consist in his having inquired into the influence ot these various elements, but in having studied only one of them from very insufficient data. His notes on climates, taken at random, and brought together in the

most arbitrary manner, full of uncertain facts, of ingenious paradoxes and observations, could have supplied materials for a pleasant essay in Montaigne's style. Montesquieu's aim was to deduce a system from it, and the whole scaffolding fell to the ground.

It is an easy task to pick up the *débris* and to determine the causes of the fractures. "The government of a single man is most frequently to be found in fertile countries, and the government of several in barren ones"; parliamentary rule established itself on a rich agricultural soil; the sandy districts of Northern Germany have up to the present day been untouched by it. According to Montesquieu, a cold climate will produce, together with more strength, greater self-reliance and the consciousness of one's own superiority; that is to say, a smaller disposition to revenge, a more serious opinion of one's security; that is to say, more frankness, fewer suspicions, less political scheme, less cunning. What a number of virtues ascribed to frost and damp! These elements may produce them all, but they have seldom been associated. The first qualities enumerated:—strength, self-confidence, the spirit of enterprise, go well together, and we identify them at once with the Anglo-Saxon, the Northmen and the Germans, but we are puzzled by what follows; and, to mention only truisms and proverbs, we can explain to ourselves neither the wiliness of Normans, nor the perfidiousness of Albion, nor German quarrels. A little further on, heat produces amongst the tribes of Asia all the effects which we should expect from cold in

Russia. We shall not dwell further on this point, but be satisfied with having brought to light in these imprudent assertions one side of Montesquieu's character, the one, namely, where to share his views, one is inclined to suspect the influence of the capricious climate of Gascony.

To tell the truth, Montesquieu has cast on that part of nature only the glance of an inquirer, indiscreet and stealthy. All those various conditions of human society —climate, country, race—are nothing else but elementary causes, vague and inaccessible; the last is very uncertain and confused in its data; the two others are extremely precarious in their elements, and can only be observed in masses of population; now that is what Montesquieu failed to see; at the same time, from these primary causes originate secondary ones, which by accumulating their effects, produce the real and living effects of social phenomena,—we mean the manners, the prejudices, the passions, the instincts, the character, in one word, of individuals, and of the nationalities which these individuals contribute to make up. Montesquieu was not bound to be familiar with a science only just now in search of a method, classifying its collections and determining its frontiers; but he discerned its principal object, when he wrote as follows: "From the different wants in different climates have arisen the different ways of living; and these different ways of living have resulted in different kinds of laws." This flash of light has sufficed to guide him on his way, and amongst our most learned modern anthropologists there is not one of whom we can say

that he has done more than Montesquieu for the progress of social science.

He studies civil laws in the relation which they should have with the order of subjects on which they decide: it is a vast picture of the efforts of men to organise mankind into societies. These chapters would deserve more than Voltaire's work the title of *Essai sur les mœurs et l'esprit des nations.* Of that excursion made by both writers through the annals of mankind, Voltaire, as some one has very wisely said, has only drawn the elementary chart, Montesquieu has composed the substantial account. He sees in depth what Voltaire only perceives on the surface. Voltaire does not care to inquire into the "necessary relations of things"; he delights in pointing out everywhere the work of chance; and, in his determination to exclude God from history, he likewise eliminates logic, consecutiveness, conscience, and human judgment; all these Montesquieu brings back.

He gives excellent advice on the way of composing and drawing up laws. The chapter on legislation as applied to private individuals contains remarkable views on divorce, which he approved of; on imprisonment, which he would have suppressed in civil litigation; on the necessity of keeping civil registers, which he was one of the first to advise; and on expropriation, the principle of which was laid down by him. His views on slavery do him the greatest honour. It was not useless to point out the abuses rising from slavery and the dangers belonging to it, especially in a democracy. Slavery

gave birth to the republic of the United States, which only freed itself from it after the experience of a century, and a struggle where it nearly perished. A revolution has been necessary to suppress slavery in the French colonies. If official Europe troubled itself about the negroes, and listened to the appeal which Montesquieu made more than half a century before, it was in consequence of the extreme weariness which all the governments felt after the Empire and the great truce of Vienna in 1815. "Narrow-minded people," he remarks, with bitter irony, "are fond of over-estimating the injustice committed against the natives of Africa. For if it was such as it is stated to be, would it never have occurred to the princes of Europe, who make such useless conventions, to make a general one in favour of mercy and pity?"

The European princes have followed that suggestion inspired by pity; they have misunderstood the wise counsels given to them by Montesquieu in his chapters on international rights. On that subject we are still hesitating between an ideal law which speculative thinkers are endeavouring to deduce from scholastic abstractions, and a realistic jurisprudence which politicians follow in society. Voltaire used to call that jurisprudence "the system of highwaymen"; whilst Montesquieu, always more full of deference towards human nature, and more respectful to political decorum, defines it as a "science which teaches princes how far they can violate justice without damaging their own interests."

Is there anything else, Voltaire asked in his dialogue between Hobbes, Grotius, and Montesquieu? Is there an international law? "I am grieved to have to say so," answers one of the interlocutors, "but there is no international law except that of being constantly on the watch. All kings, all cabinet ministers think exactly as we do, and that is why twelve hundred thousand mercenary troops parade about in Europe, at this moment, in time of peace. Let a prince disband his army, allow his fortresses to fall in ruins, and spend his time in reading Grotius, you will see if in a year or two he has not lost his kingdom.—That would be a shameful injustice. Granted:—And is there no remedy? None, unless that a monarch should put himself in a position to be as unjust as his neighbours. Then ambition is kept in check by ambition, dogs of equal strength show their teeth, and fall upon each other when they have prey to devour." Such was the wisdom of Europe in the eighteenth century. After a century and a half of additional experience, such are the *ultima verba* of the wisdom of the nineteenth. Fresh millions of men have been sacrificed, and yet not one step forward can be adduced. The empiricists who have nations under their care will keep in their political hygiene to Broussais-bleeding. "Every monarch," says Montesquieu, "retains under arms all the force he would require if his subjects were threatened with extermination: and this state of efforts made by all against all is called peace. Accordingly the whole of Europe is ruined, and so much so, that if

private individuals were circumstanced as these most opulent powers in this part of the world, they would not have whereupon to live. We are poverty-stricken, notwithstanding the riches and the commerce of the whole world; and soon, by dint of having soldiers, we shall possess nothing else but soldiers, and we shall be in the same condition as the Tartars."

Montesquieu is not inclined to accept this state of things; he looks for a remedy, and seeks it in the very nature of the disease. He does not take up his position outside the real world; he enters into it, raises himself up with it, and beholds it, not as it should be, but as it actually is. "In Europe nations are opposed, the strong to the strong; those which are contiguous to each other are nearly equal in point of courage. That is the grand reason . . . of the liberty which we enjoy in Europe. The respect of what is right results here not from the conciliation of wars but from the opposition of forces." "The princes who do not hold intercourse with each other by virtue of civil laws, are not free; they are governed by force, and are continually liable either to force others or to be forced themselves . . . a prince living always in such a state, has no right to complain of having been compelled to make a treaty; it is as if he complained of his natural state . . . force even disposes of the reputation of nationalities." It was only war which decided which of the two expressions was the right one, —*the Punic faith or the Roman faith.* War is at the bottom of all these barbarous relations. Men launch

into war, for the purpose of attacking their neighbours, or of protecting themselves; they do it with the view of conquering, or, on the other hand, in order to prevent a dreaded attack, and avoid the conquest by which they think themselves threatened. In that pretended right all reduces itself to interest.

Interest is the only sanction of that right. War is not a right, it is a deed of violence; conquest creates no right *per se*. "It is a conqueror's business to repair part of the evil which he has done. I thus define the right of conquest: a necessary, legitimate, and unfortunate right, which always leaves an immense debt to be paid if we would discharge the claims which human nature demands; on these conditions alone is conquest justified, and a right established for the conqueror over the conquered people. The conqueror wins over that people by good government. There is accordingly a natural limit to conquest, it is the faculty of assimilation. A prince should conquer only that which he can retain and identify with himself. States have their proportions; and it is a mistake to go beyond the limits of the territory which we can govern without exhausting the strength and ruining the principle of the government."

All the rules of international law are reduced to the following maxim, and summed up in the following precept: "The various nations, in a state of peace, should do to each other the greatest amount of good, and, in a state of war, should inflict upon each other the smallest amount of harm consistent with their real interests."

If we contrast these views of Montesquieu with what is the actual practice of the various states, that will be enough to show us how far politicians still are from humanity, common-sense, and experience.

Montesquieu did little else but propound general views on a subject which he considered from so lofty a height; on the other hand, he was fond of economical remarks, in which too much is allowed for conjecture, and in which facts incompletely observed, and accumulated, so to say, around him, dazzle his sight and too often lead it astray. His greatest merit here is to have anticipated Adam Smith, and endeavoured before him to reduce into a scientific shape the problems of political economy.

The capital and most lasting chapter in this part of the *Esprit des Lois* is the history of commerce which our author has inserted into it; it is full of breadth, and has a majestic flow. It constitutes a history of the relations between the various societies of mankind, and is a chapter detached from the history of civilisation. We see commerce finding gradually its way out of "vexation and despair," to arrive at security. But what has mankind had to pay in sanguinary and atrocious experiences, such as the proscription of the Jews and Huguenots in France, to grasp that conclusion which confirms all the lessons of politics by those of self-interest? "It is a well-known truth that the kindness of the government is the only source of prosperity." Montesquieu's theory on commerce rests upon a very subtle distinction between "the commerce in articles of luxury," destined to supply

nations with what flatters their pride, and the "commerce of economy" resulting from transports and commissions. The former is the trade of great monarchical states, the latter constitutes the trade of republics and smaller nationalities. Although Montesquieu discovers greatness in the commercial enterprise of England, trade seems to him, viewed in itself, a matter of petty government and of low-born people. The Romans spurned it, and France should have nobler cares. Riches are something, no doubt, and the public wealth tends to be transformed by the extension of movable property. This is what Montesquieu sees very well, but he goes further. "The nation which possesses most of that movable property is the richest,"—and yet he does not covet those riches for his own country. Honour and riches, or, in other words, honour and trade, do not stand on the same level;—that feudal honour, he means, which is the principle of monarchical government.

As for the other form of honour, the popular or *bourgeois* one, Montesquieu believes, on the contrary, that it is the soul and prop of commerce. If he pronounces on trade with the prejudices of a *parlementaire*, he decides about it as a good magistrate. His considerations on the dangers of speculation and gambling substituted in the place of work, on the necessity of maintaining in all their severity the laws on bankruptcy, deserve all the more to be meditated, because facts have strongly justified his previsions. Nothing can be truer than his reflections on the rate of interest and on money-exchanges.

A few lines of his state more clearly than ever was done the problem of tariffs and that of commercial treaties. The everlasting conflict between protection and free-trade is reduced to its legitimate terms, and Montesquieu indicates how we must arrive at the solution of the difficulty. "Wherever there is commerce, there are customs and dues. The object of commerce is the export and import of merchandise for the benefit of the state, and the purpose of customs is the levying of a certain duty, also for the benefit of the state, on that same export and import. The state must therefore occupy a neutral position between its tolls and its commerce, so that these two elements should not interfere with each other."

Let us exemplify these maxims by an illustration of Montesquieu's: "When a tribute is merely accidental, and depends neither on the industry of the nation, nor the population, nor even the cultivation of the soil, the riches such a tribute brings in are of a bad kind. The King of Spain, who receives great sums from his Cadiz customs, is, in this respect, merely a very wealthy private individual in a very poor country. . . . If some provinces in Castile supplied him with a sum equal to that furnished by the Cadiz customs, his power would be far greater, his wealth could be only the result of that belonging to these countries; all the other provinces would thus be animated by the prosperity of them, and all united would be better able to bear their respective burdens. Instead of a large exchequer, there would be a great people."

Montesquieu has discerned all the importance of international commercial relations. "Two nations trading together are in a position of mutual dependence. Properly conducted relations and commercial treaties soundly framed prepare between two nations the most beneficent connection; but the reverse is equally true, and experience verifies it more constantly." Montesquieu seems thus to have generalised too hurriedly when he affirms that "the natural effect of commerce is to incline people in favour of peace." Commerce requires peace, but it genders a spirit of competition extremely bitter, extremely jealous, and extremely suspicious; this spirit leads to conflicts as severe as political rivalries, and to struggles about tariffs as implacable as wars about the delimitation of frontiers.

If Montesquieu could have been acquainted with the constitution of the United States, he would on more than one point have modified the chapters in which he discusses democracy; if he had observed the manners of the Americans, he would have altered some of his views on commerce. Not that he failed to anticipate the future reserved to the great industrial nations. He has observed the chief difficulties which these communities have in maintaining their public morality; they are bound to struggle against the very effects of the industry which is the source of their life. "In the countries imbued solely with the commercial spirit, all human actions and all moral virtues are treated as objects of trade; the smallest things, even those required by humanity, have a money-

value. The spirit of commerce produces amongst men a certain sense of strict justice, opposed on the one hand to robbery, and on the other to those moral virtues which lead us not to be always too strict about our own interests, but to neglect them occasionally for the interests of others." As a point of curiosity, and before finishing this part of our subject, let us quote the remark which concludes the chapter on the commerce of Greece: "How those games contributed to the prosperity of the nation, which the Greeks, so to say, offered to the world!" Montesquieu, as the inventor of international exhibitions, deserves to be placed side by side with Pascal, originator of omnibuses!

If we isolated the noble and generous remarks of Montesquieu, and the duties by which society is bound to all its members, we might see in him the forerunner of our modern state-socialism. At the beginning of his chapter on hospitals, he says: "A man is not poor because he has nothing, but because he does not work"; he then goes on: "The state owes to all citizens a secure subsistence, food, proper clothing, and a healthful kind of life." The state is bound to prevent industrial crises, "to prevent the people either from suffering or from rebellion. In order to this result, schools should be opened for the teaching of manual professions, the exercise of those professions should be made easy, and the workmen should be secured against the risks attending them in commercial countries; when many people have no other resource but their craft, the state is often

obliged to provide for the wants of the old, the sick, and the orphan. A well-regulated state derives these requirements from the crafts themselves; it provides some with the work which they are capable of doing, it teaches others to work, and that, in itself, is already a work." The reader, however, must not be mistaken; Montesquieu contemplates neither "national workshops" nor the famous "right to work." He wants simply to revert to the practice of the *ancien régime* monarchies. Compare this chapter on *Hospitals* with de Tocqueville's chapter on *Administrative Habits under the Old Monarchy*, and you will have Montesquieu's real thought.

The monarchy which he always has in view, is the paternal one; his opinions on the duties of the state towards the subjects of the prince, are the result of his notions on the hierarchy of privileged bodies and his system of prerogatives. All these consequences proceed from the very fundamental principle of the monarchy, and the feudal character of its origins. A history of feudal institutions, that is to say, the historical *raison d'être* of monarchy and its privileges, was thus the natural complement of Montesquieu's work; and innumerable bonds, somewhat confused, no doubt, but yet perfectly fastened, connected it with all the portions of the *Esprit des Lois*.

Montesquieu felt a great deal of interest in the history of the middle ages, very much opposed and very superior to his contemporaries, in this as well as in many other subjects. He endeavoured to discover in the obscure

origin of France, the law of the destinies of his native country. The pride of the *gentilhomme* was equally concerned with the curiosity of the thinker. Both forces drew him towards those mysterious fastnesses from which the elements of political freedom had issued, together with the Germans, his reputed forefathers. He started on a voyage of discovery. The work was toilsome, the investigations slow and painful. "It seems," he says, "that there is nothing but sea, and that the sea itself has no shores. All these cold, dry, insipid, and hard works must be read, assimilated. . . ." "Feudal laws are a splendid sight. An old oak rises, the eye sees its foliage from afar; we approach, we behold the stem, but we cannot perceive the roots; if we want to find them, we must dig the ground."

Montesquieu became passionately fond of his work in consequence of a very sharp controversy which broke out in the meanwhile. The historical memoirs of Count Boulainvilliers on the ancient governments of France were published in 1727, five years after the author's death. The subject was the German conquest and the granting of liberty through the medium of the states-general. According to Boulainvilliers, the conquerors who had reduced Gaul into subjection had, by the very fact of the conquest, assumed the right and the duty of limiting the power of the king. The Abbé Dubos, perpetual secretary of the *Académie Française*, maintained a diametrically opposed view in his *Critical History of the Establishment of the French Monarchy in Gaul.* This

work came out in 1734. According to Dubos, the Germans, few in number besides, had entered Gaul, not as conquerors, but as allies of the Romans; their installation in the country led to no fresh institutions. The chiefs of these bands received from the Romans the government of the territories they occupied, and they governed those territories according to Roman customs. The revolution which created France took place only later on; it consisted in the transformation of *offices* into *lordships;* the *régime* of the conquest was introduced into Gaul by the advent of feudalism, for the benefit of the lords.

Montesquieu prided himself on his Teutonic origin, but his spirit was essentially Roman. He seemed destined to reconcile the two conflicting theories. "Count Boulainvilliers and the Abbé Dubos," says he, "have each produced a system, the one of which seems a conspiracy against the third estate, and the other a conspiracy against the aristocracy." He wanted to stand between the rivals. His passions drew him towards Boulainvilliers, whom he treated as a *gentilhomme*, and estranged him from Dubos, whom, despite their academical confraternity, he regarded as little better than a *parvenu* and a college scullion. He criticised Boulainvilliers with respect; if now and then he approves Dubos, it is only disdainfully; his discussion with him is nothing else but banter.

He thus turned round the subject, so to say, before dealing with it. In Book XVIII, alluding to the laws

in their relation with the nature of the soil, he treats of the Frankish kings, their majority, their long hair, and the national assemblies under their reign. He reverts to the same question in Book XXVIII, on the *Origin and the Revolution of the Civil Laws amongst the French.* After a broad definition of the subject, he grapples with it on one side, and then stops suddenly short. "I could have inserted a large work in a large work. I am like that antiquary who left his country, arrived in Egypt, cast a glance at the Pyramids, and went off." Yet the Pyramids fascinated him; he returned to them, and, this time, wished to dive into the secrets of the monument. After having terminated Books XXX and XXXI, that is to say, his theory of the feudal laws, he said, in 1748: "I believe I have made discoveries on the obscurest subject we have, and notwithstanding, a magnificent one."

Montesquieu discusses the origin of feudal laws which he finds in Cæsar and Tacitus, he then comments on the codes of the Barbarians, and challenges Dubos, endeavouring to prove against him that the lands occupied by the Teutonic leaders paid no tribute. The whole effort of the debate is there. One of the most judicious and prudent umpires in this great historical controversy, M. Vuitry, remarks that "Montesquieu does not destroy the *ensemble* of the proofs put forth by Dubos, at any rate as to the continuance under the early Frankish kings of the taxes imposed by the Romans upon the Gallo-Roman population. But his arguing is more conclusive and more peremptory with regard to the Franks; and it must

be acknowledged that if the kings endeavoured to oblige these to the payment of the public tributes, it was without success."

Montesquieu studies in due order the origin of feudal dues, that of vassalage, that of fiefs. He discusses the question of military service on the part of freemen, the justice rendered by the lords, the transformation of benefices into fiefs, and the revolution which gave to these fiefs an hereditary character. This revolution brought about feudal government, and Montesquieu connects it with the other revolution which changed the reigning family, and united to an important fief the kingdom deprived of all domanial property in consequence of the dispersion of power. From these two circumstances, contemporaneous and united together, he deduces one leading consequence, namely, the right of primogeniture. Fiefs, originally, were capable of being transferred, and the kingdom was liable to be divided. Henceforth both crown and fiefs are hereditary. The transference of fiefs to foreigners is another result. Hence, for the suzerains, private rights: that of *lod* and of sale, that of redemption, that of *garde-noble*, the settling of the forms of homage, and the principle of old French jurisprudence that landed property cannot be alienated from the branch of the family to which it belongs. "I finish," says Montesquieu, "this treatise on fiefs at the point where most writers have begun it." He abruptly concludes there, and winds up by that splendid juridical development the three books, where, if we may believe a master,

"he has stated with so much power, but in so capricious and desultory a manner, his views on the origin of our social institutions."

Since Montesquieu, the study of mediæval history, then in its early stage, and limited to conjecture, has produced a science which occupies an important place in our historical schools. Deeper researches, and the investigation of original documents, have remarkably renovated and extended the discussions which divided the erudite French scholars contemporary of Montesquieu. These controversies are still alive, and if the battle-field seems closed, the fight has not come to an end. Although wounded in many places, Montesquieu is still imposing in the distance at which we see him. He has examined the ground of the contest, and given the impulse. "We must," says he, "elucidate history by legislation, and elucidate legislation by history." He was really creating a science and a method which he bequeathed to his disciples.

These two capital episodes of commerce and feudal laws did not lend themselves, as the previous ones did, to literary amenities and to pictorial illustrations. They form long galleries, very open, but somewhat cold and bare. In order to embellish them, Montesquieu could place in them only busts and statues; that is what he has done. Two of these statues override all the rest, both by the importance of the personages represented, and by the finish of the execution; they are those of Alexander the Great and Charlemagne, who were both conquerors and

civilisers. Under the image of these heroes Montesquieu has embodied the noblest and greatest qualities which his historical genius inspired him with in the art of governing men.

*Italiam! Italiam!* Such is his exclamation on reaching the goal which he had fixed for his excursion. No conclusion; he does not shut his book, but leaves it open, so to say, towards the future.

## CHAPTER VIII.

### CRITICISM ON THE "ESPRIT DES LOIS," AND REFUTATION OF THE CRITICISM.—LAST YEARS OF MONTESQUIEU.—HIS INFLUENCE THROUGHOUT EUROPE UNDER THE OLD MONARCHY.—HIS VIEWS ON THE FRENCH GOVERNMENT.

THE *Esprit des Lois* was printed at Geneva, and published there in November 1748, in two quarto volumes. It bore no author's name, but everyone affixed to it that of Montesquieu. The work soon found its way to the studies of all respectable persons, although the government censors had not authorised its circulation. The success it obtained was extreme, yet critics rose up in large numbers. Montesquieu was too unpretendingly a great man not to excite much jealousy. He attacked too many prejudices and disconcerted too many habits not to suggest many protestations. Above all, he waged war against the prejudice of pure reason, and interfered with the arbitrary decisions of those reformers who delight to work *in tabula rasa*. That school of speculative philosophers has always been restive against experience. They condemned the *Esprit des Lois* without taking the

trouble to understand it, and the historical method without trying to apply it.

Montesquieu had one friend among the members of the coterie to which we are alluding: it was Helvétius. He composed a treatise on *esprit* in general, but failed to comprehend that of Montesquieu. He possessed assurance for lack of depth, and summed up in a few lines all the objections of abstract politicians against the *Esprit des Lois*. "You often lend to the world a reason and a wisdom which are really only yours . . . a writer aiming at being useful to mankind wishes rather to busy himself with true maxims in a state of things to come, than to perpetuate those which are dangerous. . . I only know two kinds of government: the good ones and the bad ones; the former have not yet entered an appearance." According to the opinion of Helvétius, Montesquieu's system of politics was too complicated; his hygiene was too slow, and required too much patience on the part of the physician, too much virtue on that of the patient. Why all these minute counsels on dietary and mode of living? It was so easy to find a well-sounding formula, and to follow a good universal remedy. "My aim," said Montesquieu to some one who criticised him thus, "has been to write *my* work, and not *his*." Helvétius, who dreaded the *Esprit des Lois* for the sake of his friend's reputation, would certainly have benefited by the change.

Montesquieu had always shown his contempt for the farming of the taxes, the *fermiers* and *traitants* in general. One of them attempted to wreak his vengeance upon the

philosopher. His name was Claude Dupin, and he compiled in 1740 some *Reflexions on certain parts of a book entitled l'Esprit des Lois.* None but a fool could have selected such a title, and the work was on a level with the title. "If you are looking out for some situation," said Dupin, "you had better take another direction; the one which you follow would not lead you anywhere." The situation which Montesquieu aimed at was not one of those which are in the gift of the Dupin race. "Here I am," he wrote to a friend, "summoned before the court of tax-collectors." Dupin dared not carry the business to extremities, and was contented with securing for his two volumes a clandestine circulation. A few just remarks, if not reflections, might be found in the *factum*. Montesquieu had his fits of absence and of carelessness. Dupin noted them, and Voltaire turned these criticisms to account in the writings which he composed about Montesquieu, the *A*, *B*, *C* (1768), and the commentary on *l'Esprit des Lois* (1777).

Voltaire was busy upon *l'Essai sur les Mœurs* when *l'Esprit des Lois* appeared. It seems as if that masterpiece annoyed him; he disliked Montesquieu, who in his turn had but little taste for Voltaire, in whom he saw scarcely anything but a literary scamp. "It would be a disgrace for the *Académie*," said he, "if Voltaire belonged to it; and it will be one day a disgrace for Voltaire not to have been made an academician." "He is too witty to understand me," added Montesquieu. Voltaire only half-listened and half-understood. He stopped at the jokes, and

scarcely perceived the gist of the matter. He praised Montesquieu when others attacked him, and attacked him when the rest heaped praises upon him; whilst pretending to caress him, he contrived to scratch, and then covered the wound with small flowers. The following beautiful appreciation, which makes up for many epigrams, is Voltaire's, however: "The human race had lost its titles; M. de Montesquieu found them and restored them."

What Voltaire enjoyed most in the *Esprit des Lois* is the opposition it met with on the part of the clergy. The Jesuits condemned it, but courteously, in the *Journal de Trévoux*, the Jansenists attacked it bitterly in the *Nouvelles Ecclésiastiques* for April and October 1749. Both called Montesquieu to account *à propos* of Spinosism, climate, the Stoics, suicide, Montezuma, polygamy, and Julian the Apostate. These, however, were only outpost skirmishes; the brunt of their attack was directed against the chapter on religion, where they showed themselves extremely weak, and toleration, where Montesquieu himself had opened the breach. Montesquieu, said they, considers all religions as matters of police; he does not distinguish the true one to which all rights belong, from the false ones which have no rights at all. They branded him with impiety, and convicted him of contradictions. "The parenthesis which the author inserts to say that he is a Christian," the *Nouvelliste* wrote, "is a weak evidence of his catholicity. He would laugh at our simplicity if we took him for what he is not." Montesquieu was inclined to

tolerate the Huguenots in France, and to forbid missions in China; that was the very reverse of what the *Journal de Trévoux* and the *Nouvelles Ecclésiastiques* wanted, and therefore they came to the conclusion that the *Esprit des Lois* "was written in favour of the old and modern persecutors of Christianity." The Jansenists wound up by a regular denunciation, and by an appeal to the secular power against a book "whose aim it is to teach men that virtue is a useless motive of action in monarchies."

Montesquieu felt that kind of insinuation; he published a *Défense de l'Esprit des Lois*, which appeared in April 1750. It is brilliantly written, and of well-sustained irony. The author's thought, disfigured by fragmentary quotations, is restored; on most criticisms of detail he triumphs, but he has less success in those which bear upon the subject-matter. If he had wished to establish his orthodoxy and to submit, he must have disowned the very spirit of the *Esprit des Lois*, and committed half the work to the flames. That he would not do, and he ended as he ought to have begun—by contempt. "To condemn the book is nothing," said he, writing to a friend, "it must be destroyed." The Sorbonne was not equal to the task; they took cognizance of the case; but the doctors could not agree as to the chief heads of the indictment. The work was denounced to the assembly of the clergy, when the plaintiffs were scarcely listened to. The congregation of the *Sacré-Collège* placed the work on the Index list; this step was very little talked about, and no one paid any attention to it. Meanwhile

Malesherbes had assumed the direction of the bookselling office, and removed the interdict which stopped the *Esprit des Lois* at the frontier. This masterpiece of French genius thus received its letters of naturalisation towards the end of 1750. Twenty-two editions of it were published in less than two years, and it was translated into all languages.

The Italians were enthusiastic about it; the English paid to it a brilliant homage; the King of Sardinia made his son read it. Frederick the Great, who had annotated the *Considérations sur les Romains*, made some reserve on the *Esprit des Lois.* "M. de Maupertuis sends me word," says Montesquieu, "that he (Frederick) has found certain things about which he does not share my opinion. I answered that I should not mind betting that I would put my finger on those things." Frederick, however, who seized his own property wherever he found it, took care not to neglect Montesquieu's precepts, and the history of his government of Silesia may be regarded as a comment on the wise maxims of the *Esprit des Lois* respecting conquests.

Montesquieu lived enough to enjoy all his glory; he grew old amidst the admiration of the whole of Europe. He wrote little now: a fine fragment, dictated by the spirit of Stoicism—*Lysimaque;* an agreeable novel—*Arsace et Isménie;* an essay on taste, destined for the *Encyclopédie*, are all the remains we possess of the literary activity of his later years. He divided his time between Paris and La Brède, enjoying his fortune, enjoying still

more the society of his friends. He was becoming blind, and bore calmly that great trial. "It seems to me," he said, "that the little light I still have, is only the dawn of the day when my eyes shall have closed for ever." The scheme of his life and his inward feeling led him to die, as he had said, "on the side of hope." His soul was that of a Stoic; he ended as a submissive and respectful Christian. He was sixty-six years old when he breathed his last in Paris, February 10th, 1755.

His glory was not overrated; time has only strengthened and increased it. He was only anxious about the verdict of posterity and the future of his book. "My work," said he, "will be more approved than read." He might have added, more frequently read than understood, and more frequently understood than reduced into practice. His Hippocratic hygiene, spurned by speculative men, irritated the empiricists. He recommended moderation to princes at a time when all the governments of Europe were becoming corrupted through the abuse of power. The tendency was practically towards enlightened despotism, theoretically towards natural law. Thinkers and politicians took out of Montesquieu whatever they found within their reach; they could not grasp his method. We see them quoting his authority on points of detail, and disregarding the general spirit of his doctrine; they apply the reforms which he recommends, and violate the rules he lays down.

D'Alembert composed his *éloge*, and added to it an *Analyse de l'Esprit des Lois*, where he endeavours to

draw both author and book in the direction of the *Encyclopédie.* Beccaria, seeking his inspiration from the chapters on criminal laws, is a mere jurist; he deduces consequences, but is no observer. Filangieri imitates Montesquieu, and pretends to correct him: "Montesquieu aims at explaining the reasons of our actions; I, on the other hand, want to establish the rules of what we should do." Bielfeld borrows from Montesquieu the essence of his *Institutions politiques*, but he drowns it, so to say, in natural law, and by this admixture he endeavours to reconcile the *Esprit des Lois* with Wolf's system.

Princes behave like philosophers. "His book," says Catherine the Great, "is my breviary." She makes of it extracts which she commits to the meditations of her pompous commissioners for the drawing up of the Russian code of laws; but if she lavishes upon her subjects glowing maxims on human liberty and equality, in practice she acts according to the master's rule, namely, "that an extensive government naturally supposes unlimited power in him who governs"; and she concludes that the best way of maintaining the Russian state is to strengthen its principle, that is to say, autocracy. The compilers of the Prussian code of 1792 felt the influence of the *Esprit des Lois*, and the *ensemble* of their work manifests an enlightened despotism; but the measures which Montesquieu proposed to maintain the monarchical principle have inspired the following details in the Prussian code:—Administrative colleges controlling each other and keeping each other in check; the independence

of the agents of the government secured by a kind of permanence; the great share allowed to the aristocracy in communal administration; the strict upholding of the hierarchy and of castes; the prohibition enforced upon noblemen to exercise trade and commerce.

In France, pedants and pietists always considered Montesquieu as a preacher of sedition; they accused him of shaking the foundations both of Church and State. This proposition Crevier undertook to demonstrate with elucidatory documents, and he published in 1764 a volume entitled *Observations sur le livre de l'Esprit des Lois*. Crevier knew ancient history very well, and he easily caught Montesquieu tripping here and there. His mind was naturally a dull one, and of this fact he had still less difficulty in furnishing a proof. He took up the arguments of the *Nouvelles Ecclésiastiques;* seeing in Montesquieu a mere *littérateur* greedy of an unhealthy kind of glory, he discovered in the *Esprit des Lois* nothing but the spirit of vanity, of paradox, and of faction. "By dint of being the friend of mankind," says Crevier, "the author of the *Esprit des Lois* ceases to love his country as much as he ought; the English cannot but feel flattered in reading that work, but the perusal of it is capable only of annoying good Frenchmen."

Crevier was true enough in speaking thus of the English; they were flattered by the book; they did better, they profited by it. Up to that time they had worked out their constitution without analysing it; Montesqueiu gave them the *raison d'être* of their laws; he

trained disciples in England. Blackstone was one of them, and all the commentators of the English constitution follow Blackstone. We must include amongst them the Genevese Delolme; his work, published in 1771, gave a minute description of the English *régime*, the principles and maxims alone of which Montesquieu had enumerated.

Long before Europeans had thought of appropriating these maxims to the time-honoured monarchical institutions, the Americans, by a bolder experiment, had appropriated them to democracy. Montesquieu had foreseen that the English colonies in America would shake off the yoke of the mother country; and he had indicated the federative system as the only means of conciliating political elements which antiquity had never combined, viz., extensive frontiers, a democracy, and a republic. Washington was acquainted with the *Esprit des Lois*, and the influence of the work upon the authors of the constitution of the United States cannot be questioned. On the separation of the various powers the Americans have been enlightened by Montesquieu; they have placed democracy in the states of the Union with their restricted limits; they have placed the republic in the federation of the states. If they have organised this democracy and this republic, it is because their political training enabled them to do so. Of their Puritan origin they retained a very deep religious feeling, submission to rule and the spirit of self-abnegation, which, according to Montesquieu, constituted the essence of

republican virtues. Whilst altering the arrangement of the laws recommended by our author to republican governments, they justified his leading thought, and completed his work.

These traditions and these habits, which constituted the strength of the Americans in their revolution, did not exist in France. If we take everything into account, the French were nearer to Cæsar's Rome than to Cromwell's England. When Montesquieu thought of France he never considered either a democracy or a republic. It is, said he, in the old French institutions that we find the spirit of the monarchy. His system on climates prevented him from thinking of introducing into his native country the institutions of England; he only was anxious to reduce the "fundamental laws" of the French to their peculiar principle.

A king kept within proper bounds by privileged and dependent bodies; no states-general, but a magistracy entrusted with the guardianship of the fundamental laws; an aristocracy which may not exercise commercial pursuits; no great trading companies which would destroy the hierarchy of intermediate corporations, by placing political power on the one side and fortune on the other; a paternal government, enlightened, intelligent, leading the French not only with kindness, but with intelligence, not endeavouring to interfere with their habits, so as not to interfere with their virtues; avoiding especially the temptation of wearying them, for that is what they tolerate the least; full liberty to do

frivolous things seriously, and serious things gaily; honour everywhere; toleration for believers, glory for the *gentilshommes;* civil liberty for the people; no foreign expeditions, few colonies; none of those enterprises which increase absolute power only at the expense of the relative one; finally, moderation with reference to foreigners as well as at home. "France being precisely of the dimensions best suited to it, such," says Montesquieu, "is the ideal of the French monarchy." Good kings and wise cabinet-ministers are the great spring of that government. France has supplied notable instances of both: Charlemagne, who overrules history; Saint-Louis, "law, justice, greatness of soul"; Louis XII, "the best citizen"; Henry IV, "whom it is enough to name"; Coligny, Turenne, Catinat; then, by way of contrast, and in order to demonstrate by *bad* instances, —Richelieu, Louvois, Louis XIV: despotism and its instruments.

Montesquieu gives us that ideal sketch, and he fails to perceive that France, such as he describes it, makes France, such as he conceives it, impossible. He would impart strength to institutions which are in a dying state; the principle is tainted, and he himself has proved that when the principle is tainted, the government is on the brink of ruin. The crown has levelled everything and invaded the whole country. It has concentrated all the powers in itself, and brought together all the classes of society by debasing them before the throne. The nobles have become degraded to the rank of courtiers; now,

what is a courtier? "Ambition combined with idleness, and baseness with pride; the anxiety to become rich without work; the hatred of truth; flattery, treachery, perfidy, neglect of all duties, contempt of all the virtues which should characterise a citizen; dread lest the prince should be a virtuous man, the hope that he is full of weaknesses; more than all that, the continual habit of making virtue look ridiculous,—such, I believe, is and has been the character of the majority of courtiers in all ages and all places." Honour does not even make up for the virtues which they lack; their honour, false and servile, is only one form of their degradation. "It is possible to be covered at the same time with infamy and with dignities. . . ." Nobles of that sort "consider it an honour to obey a king, but deem it the greatest degradation to share the power with the people." Nay, supposing they wished to do so, they would find it impossible. "Their natural ignorance, their want of attention, their contempt for civil government," incapacitate them. The parliaments, discredited by the crown, cannot take the place of the aristocracy. Everything is perishing, and the destruction of the edifice is announced by the downfall of the buttresses.

The fact we have thus stated was soon perceptible under Louis XVI, when an endeavour was made to govern in conformity with Montesquieu's plan, by restoring authority to the parliament and influence to the privileged classes. They invoked against Turgot and his schemes of reform the maxims of the *Esprit des*

*Lois*, and by opposing these reforms they hurried on the Revolution. This attempt to revive the old monarchy only helped to render the monarchy more unpopular, and the privileged classes more hateful.

On one point alone, namely foreign policy, Montesquieu's advice prevailed, and resulted in a benefit. Vergennes' policy is an application of the *Esprit des Lois* to diplomacy. When we read the memoirs which that wise minister addressed to Louis XVI about the succession to the throne of Bavaria, we think we are perusing a development of the following sentence, which concludes the chapter on war, in the book treating of international law:—"Let no one, especially, mention the glory of the prince; his glory would be his pride; now pride is a passion, not a legitimate right. It is true that the reputation of his power might increase the strength of his kingdom, but a reputation for justice would increase it to the same extent."

This brings us to the French Revolution, which Montesquieu had not foreseen, but which he nevertheless helped to prepare, and which he often inspired, without even directing its progress.

# CHAPTER IX.

## MONTESQUIEU AND THE REVOLUTION.

AT the end of the last century, every enlightened Frenchman had in his library the works of Montesquieu, Voltaire, Rousseau, and Buffon. As the convocation of the states-general invited all the citizens to give their views on the reform of the state, everyone rushed to his books, and applied to his favourite authors for ideas or arguments which might help him in bringing forth the principles he wished to see prevail. Rousseau and Montesquieu were the most frequently consulted. Rousseau had more disciples, but Montesquieu supplied most quotations. The former explained only one system —his own; the latter developed all those which history has collected. The *Esprit des Lois* became a kind of *Digest;* the various parties drew from the book maxims and precedents in support of their wishes or their pretensions.

The intelligent portion of the nobility appropriated both the inmost thought and the letter; their wishes are exactly "Montesquieu's *cahiers*" at the states-general; we there find his predilection for monarchical

freedom, his firm conviction that this freedom could not be founded in France except on the prerogatives of privileged bodies. The *tiers-état* borrowed from him the system of the separation of powers, and many a special reform; but as at the same time they claimed civil equality and liberty as the basis of political freedom, the whole doctrine of Montesquieu on the government of France was at once destroyed.

The Revolution caused the views of the *tiers-état* to prevail. After the night of August 4th, Montesquieu's monarchy was merely the Utopia of an *émigré*. "If in a monarchy you suppress the privileges of the church, the nobility, and the towns, you will soon have nothing but a popular state or a despotic one." Such was the dilemma laid down in the *Esprit des Lois*, and which has become the periodical problem of the French government. Politicians who held by the monarchy, but at the same time did not mean to sacrifice liberty, went in quest of a transaction, and found it in the *Esprit des Lois*. They proposed the example of England. These were, so to say, the second generation of Montesquieu's followers during the period of the Revolution.

Great minds have their families, and it is the same case with them as with royal dynasties: it is not always the eldest sons who rise to the highest fortunes and secure the glory of the house; there are younger sons who have descendants of their own, and whose *châteaux* surpass in importance those of their brothers; others, penniless, go to the colonies, discover mines, marry into

rich families, and come back to restore the ancestral mansion. Certain young "scamps," strange or scandalous in their behaviour, have nevertheless contributed, if not to the honour, at any rate to the celebrity of their family name. Such was the case with Montesquieu's political descendency. The elder branch emigrated; it was seen sitting in the counsels of princes, and inspiring Burke's famous work; the whole sketch there drawn by the enthusiastic English orator, of the ancient monarchy and of possible reforms, is taken from the *Esprit des Lois.* The next generation includes the supporters of two legislative bodies, the *monarchistes*, as they were called, Necker in the government; Mounter, Lally, Bergasse, Clermont-Tonnerre, Malouet, in the assembly; and amongst the outsiders, Mallet Du Pan and Rivarol. The tempest soon swept that second branch away; it did not die, but it required many years to resume its growth and put forth fresh buds.

Public opinion was moving in another track: it was going towards Sieyès, the very opposite of Montesquieu. Thinking, perhaps, of the *Esprit des Lois*, that famous specialist said: "Too many have busied themselves in combining servile ideas always in accordance with events. Political science is not the science of what is, but of what ought to be." However, if the Revolution stepped into paths which Montesquieu had not wished, it did not entirely escape from his influence. This is the very time, when that influence is exercised indirectly, when we see stalking forward, amidst the general confusion in which

France was plunged, venturesome and dissenting followers, whom he would certainly have disowned if he had seen them at work; but who nevertheless owed to him their political origin.

That apologist of monarchy, the restorer of the old public law of the French, was destined to become in their hands the prophet of *égalitaire* democracy and of a republic after the Roman type. This curious metempsychosis derives less from the very substance of Montesquieu's thought, than from the shape he gave to it, and from the ideas with which his readers interpreted his work. "When I was drawn towards antiquity," he said, "I endeavoured to catch its spirit." Whilst trying to resuscitate the ancients, he animated them with his own soul, the soul of his times. He did not really conjure up the ghost of an antiquity which is dead beyond the power of a new life; he elicited from it a certain form of thought which his own times carried along with them, and which was destined to renovate in France, for a season, politics, literature, and even art itself.

Montesquieu is less a restorer of antiquity than a precursor of that new Hellenic and neo-Latin France which flourished from André Chenier to David, and from Vergniaud to Napoleon; taking on its way Robespierre, Saint-Just, and Charlotte Corday. That which seems on his part the result of a kind of divination, or of an influence more wonderful still, is explained by the same inward state exhibited both in himself and in his

revolutionary disciples in different circumstances and at different epochs. It is quite as much a psychological as an historical problem.

At the time when Montesquieu was drawing up his theory of a republic, the instinct of such a form of government was rising in everyone's mind, and the word itself was finding favour amongst the people. Classical education fostered that instinct, classical literature popularised the vocabulary. D'Argenson wrote as follows in 1747: "Shall anyone venture to propose that we should take a few steps in the direction of republican government? I see no disposition towards it in the people. The nobility, the courts of law, accustomed to slavery, have never thought about republican institutions, and yet these ideas are springing up, and habit works speedily in France." Habit indeed undermined the soil stealthily—that soil which the monarchy had levelled and paved after the Roman fashion. A movement took place which opened an issue to the subterranean springs of water; these flowed out and ran spontaneously in the channels which seemed destined for them.

The same vocation which had called Montesquieu to describe the Roman republic and to become, so to say, its literary citizen, called the Frenchmen of the Revolution to renew that republic in France, and to constitute themselves its literary citizens. Their hereditary instinct, guided by Montesquieu's writings, suggested to them what his historical imagination had made him

perceive. Led on to organise democracy, they brought to the task the same dispositions of mind which Montesquieu had shown in writing its history. They conceived it from the same originals, they understood the ancients as Montesquieu had done; they found them in his works such as they wished to find them, and as they were best fitted for them. Montesquieu analysed the laws which constitute a republic and give it vitality; the people decreed these laws; according to them, the republic is their natural result. They took no account of any of the conditions laid down by Montesquieu as essential to his theory,—as climate, manners, general habits.

Montesquieu had already confounded all times and all republics together; they transferred that ideal legislation to a distance of more than twenty centuries in the most different climates and the most dissimilar civilisations. This method is the reverse of that adopted in the *Esprit des Lois*, but it was in accordance with the spirit of the age, and it is thus that Montesquieu was understood by most Frenchmen of those days.

They applied to him the system of interpretation which they were in the habit of applying to classical authors: isolating the maxims, and deducing from them, by a process of dialectics, the consequences which are their logical result. They transform his general ideas into abstract and universal ones, that is to say, into a mould for their own passions. Montesquieu had made himself in succession the citizen of every nation, in order to cure

each community of the worst of all prejudices—self-ignorance. His interpreters made of him a citizen of the world and a cosmopolitan legislator; far from seeking in his book the means of getting rid of their prejudices, they endeavoured to find in it a strengthening power for those prejudices, and giving to it an absolute instead of a relative character, they made of it the prophetic code of their Utopia.

The whole of the Terrorist revolution is contained in one sentence, and that sentence is directly inspired by the republican maxims of the *Esprit des Lois.* "If," says Robespierre, "the motive-principle of popular government in times of peace is virtue, in revolutionary days it is both virtue and terror: virtue without which terror is fatal; terror without which virtue is powerless." There is not, indeed, any other means than terror; to do such violence to the nature of things, compel a Frenchman thus to transform his character and his habits, oblige him to go back from the age of Louis XV to that of Lycurgus, and reduce Paris to put up with what Montesquieu designated "the prodigious *ennui* of Sparta." Those "terrible magistracies" are needed which the *Esprit des Lois* alludes to, which "bring back violently the state to freedom"; the law of public safety must be enforced as the supreme law, and the following precept must be applied, invoked by the sophists of every species of tyranny. "There are circumstances when a veil must be thrown for a moment over liberty, just as in the case of the statues of the gods." Ostracism must be practised,

and arrests of "suspected citizens who lose the liberty for a season, only to recover it afterwards for ever." We must have a uniform system of legislation, equality of property, and that wholesome mediocrity which corrects the natural wickedness of fortune.

Why did not those Utopists meditate on the chapters on the corruption of principles, the futility of violence against established customs, and the powerlessness of punishments against the nature of things? Some felt this truth: it was the retaliation of Montesquieu, history, and humanity. The Girondists understood that the republic was perishing for having spurned our author's lessons; whilst Saint-Just parodied his maxims and caricatured his metaphors, Camille Desmoulins found in the *Considérations sur les Romains* the secret of republican eloquence; he borrowed from Tacitus interpreted by Montesquieu his most eloquent denunciation of tyranny. Persecuted and decimated, the nobles recovered at the foot of the guillotine that pride of honour, the virtue of monarchies, which Montesquieu reproached them for having abdicated in the presence of the crown. Everything confirmed the gloomy anticipations he had conceived as to the decay of political manners in France; everything justified the opinion he had casually expressed on the "speculative sciences which transform men into savages," and on the terrible consequences of the despotism which might establish itself amongst the ruins of the monarchy. "For that beautiful part of the world human nature would suffer, at

least for a time, from the insults offered to it in the three others."

A return to Montesquieu took place when the French endeavoured to restore moderation, order, and liberty. There was certainly much more of his spirit in the constitution of the year III, than in that of 1791. Some of his disciples were called to sit in the national assemblies,—Portalis, Barbé-Marbois, Mathieu-Dumas, Siméon, Camille Jordan; and in the very Directoire, the prudent Barthélemy, a diplomatist trained at the school of Vergennes. Montesquieu's works were reprinted. Pastoret, in the *Conseil des cinq-cents*, and Goupil de Préfeln, in the *Conseil des anciens*, proposed to grant to his remains the honours of the Pantheon. The violent politicians, however, did not allow time for that measure to be carried out, and the Fructidor *coup d'état* once more expelled the *Esprit des Lois* from the republic.

The constitution of the year VIII had nothing in common with liberty such as Montesquieu understood it. If we may believe Stendhal, Bonaparte had merely glanced at that great man's writings, but he had the highest esteem for his disciples. He prohibited them, it is true, from discussing politics; on the other hand, he entrusted to them the magistracy, the administration, and civil legislation. The illustrious council of state which drew up the *Code Civil*, and had Portalis as its principal secretary, caught its inspiration from Montesquieu's precepts, both as to the substance and as to the form of its compilation.

Yet the emperor's policy upset all Montesquieu's maxims whilst it justified all his conclusions. It is impossible to find elsewhere a more complete demonstration of the existence of the laws of history, or a more conclusive proof of those which our author had laid down. He had shown how a country in a state of revolution is more formidable to its neighbours than it was in other times; how in a nation where monarchical traditions are concealed under the laws of a republic, war begun as in a republic must end as under a monarchy. "As soon," he said, "as the army is accountable solely to the legislative body, the government becomes a military one." He had written the following sentence, which sounds strange at a time when France was so deficient in captains that it had been necessary to commit the king's sword to an illustrious mercenary, Marshal Saxe,—"Soldiers will be the ruin of France." The condition of Denmark had suggested to him this thought, which is so strictly applicable to the France of 1804: "There is no authority more absolute than that of the prince who succeeds to a republic; for he finds himself in possession of all the power of the people who had not been able to limit their own authority."

The chapter on the politics of the Romans with reference to conquests gives us in substance all Bonaparte's political system. It is precisely because the nature of his genius was essentially Roman and classical, that the First Consul so well understood the French of his times, and persuaded them so easily that whilst obeying his

will they still exercised their sovereignty. There were reminiscences of Alexander, and probably of Montesquieu's Alexander, in the wonderful dreams which the general-in-chief of the army of Italy indulged in at Ancona, and which carried him towards Greece and towards the East. We recognise more than one characteristic feature of Charlemagne as the *Esprit des Lois* portrays him to us, in the colossal vision which Napoleon conjures up, a vision which constantly haunted his imagination after the consulate.

How is it possible not to perceive the Empire in these pictures of Rome, which, composed after the events, would pass for an allusion, a satire, but which, sketched more than half a century before, seem like the fragments of a prophecy! The master-passion of glory permeating a whole people; the necessity of astonishing men in order to reduce them to submission; that "contest for fame," which the boldest in the career of ambition carries on against his rivals; the art of attacking these rivals "with their own weapons, that is to say, with victories won over the enemies of the republic"; that imperial Rome, which is, to speak correctly, neither an empire nor a republic, but the head of a body made up of all the nations in Europe; these nations, associated together, having nothing in common but their common obedience, and bound the one to the other by the very bonds of conquest; those kings whom Rome had disseminated everywhere to make of them so many slaves, and who direct against her the resources with which she had supplied them; "the

impossibility of maintaining to the end an enterprise which cannot fail in one country without failing in all the others, or fail for one moment without failing for ever"; Rome, finally destroyed because all the nations attack her at once, invade her on all sides,—so fatal a result of Roman policy that Montesquieu foretells it to all those who might be tempted to follow the same career: "If nowadays a prince made the same ravages in Europe, the nations, driven towards the North, resting against the limits of the world, would hold their ground firmly there, till the moment came for them to overrun Europe, and conquer it a third time." Let us conclude with Eucrates, or rather with Montesquieu: "For a man to be raised above mankind, the cost is too heavy for his fellow-mortals."

# CHAPTER X.

## THE POSTERITY OF MONTESQUIEU IN POLITICS AND IN HISTORY.—MONTESQUIEU AND HIS CRITICS.

ON the restoration of royalty to France in 1814, that younger branch of Montesquieu's lineage—proscribed during the Revolution and absorbed during the Empire in senate and council of state—again made its influence felt in the political world. The conditions of the new government permitted the carrying out of the experiment of constitutional monarchy, which had failed in 1791.

Chateaubriand began with the pretension of recommencing the *Esprit des Lois* in the *Essai sur les Révolutions:* he merely transposed the formulæ and absurdly exaggerated Montesquieu's artifices of composition. But in the *Génie du Christianisme* he paid due homage to him, and developed many of his favourite maxims in the *Monarchie selon la Charte.* The study on political liberty in the *Esprit des Lois* suggested to Benjamin Constant much for his *Réflexions sur la Constitution.* The *doctrinaires* undertook to correct Montesquieu's classification of governments by applying to the democratic and monarchical forms this

thought of Pascal: "Multitude which cannot be reduced to unity is confusion; unity which does not depend on multitude is tyranny." Louis XVIII, while still a pretender, had read the *Esprit des Lois* as a mere *bel esprit* —when seated on the throne he interpreted it as a prudent king; and under a government which would, unquestionably, at that time, have been the government of Montesquieu's choice—in the ministry of the Duke de Richelieu and that of M. de Martignac, in the battle-royal of the Comte de Serre, in the discussions on the freedom of the press, and in the speeches of the Duke de Broglie and Royer-Collard against the disastrous law on sacrilege—his spirit is plainly visible.

Talleyrand, whom it had influenced from his youth, introduced it into the region of diplomacy. The memorandum written in London (in November 1792) on the inexpediency of a policy of conquest, proves this; and the same spirit—with a loftiness of thought and an art in composition never equalled, perhaps, in any diplomatic document—pervades the *Instructions* for the Congress of Vienna, drawn up by La Besnardière under his direction. The conception of Europe, and the definition of public right therein contained, are borrowed from Montesquieu; and the sketch of Russia ranks among the most brilliant productions of his school in literature. In the passage beginning with this sentence—"Poland restored to independence would be inevitably restored to anarchy," we almost recognise a quotation from Montesquieu: the

further development of the subject might almost have been taken from an inedited chapter of the *Esprit des Lois*. Indeed, the very spirit of that work is apparent in the following maxim, entirely expressive of the general drift of the *Instructions:* "France is in that happy condition in which she needs not to desire that justice and utility should be divided, nor seek her individual good outside that justice which is the good of all."

But not only Montesquieu's views, his style, and even his comparisons, are almost unconsciously suggested by Talleyrand. In one of his Vienna memoranda he reproduces, and even improves in the reproduction, a striking though rather bold simile used in the *Considérations*. "France," says he, "brought to the Congress no ambitious views or personal interests. Replaced within her ancient limits, she no longer sought to extend them, like unto the sea which only passes its boundaries when agitated by tempests." Montesquieu himself had less justly observed: "It is remarkable that, after so many wars, the Romans lost only what they chose to leave—so is the expanse of the sea never narrowed save when it draws back of itself."

This allusion to the *Considérations* recalls our attention to history. Montesquieu also founded an historical school, teaching therein the correlation of facts, the association of causes and correspondence of events, the interpretation of laws by history, and the interpretation of history by custom. From him proceed both the school of legal historians and that of the modern

philosophical historians. Guizot is not of the direct line; but, though a most original and independent disciple, yet he is a disciple of the author of the *Esprit des Lois*, and during the first half of the present century he stepped into the place and continued the work of the initiator and founder of the science of history. "As the historian of our ancient institutions," says Augustin Thierry, "he has inaugurated the era of science properly so called; before his day, if we except the single instance of Montesquieu, there had been but a succession of systems." Guizot applies to history the idea of progress which Montesquieu felt, yet hardly understood. Turgot and Condorcet developed the idea. Guizot himself considers it the soul of civilisation,—defining this as the "perfecting of society and humanity":—it forms the web of history, as is shown in his admirable and exhaustive treatment of the subject in his lectures of 1828.

Madame de Staël had been one of the first to grasp this idea of perfectibility. We see this—noting also many thoughts taken from the *Esprit des Lois*—in her work on the *Influence des Passions*, and the idea is further worked out in her book, *de l'Allemagne.* She unfolds it with an ardour and an almost religious enthusiasm which Montesquieu's sarcastic and excessively analytical nature entirely lacked. In her last and most powerfully conceived work, the *Considérations sur la Révolution Française*, occurs the following reflection, which, according to the *Esprit aes Lois*, discovers the foundation of the history of France: "Liberty is ancient; it is despotism that is

modern." Indeed, in writing the history of liberty from 1789 to 1814, Madame de Staël traces the progress of Montesquieu's ideas through the Revolution and the Empire.

The fortunes of the monarchical branch of Montesquieu's line culminated in the Restoration. His intellectual descendants of this branch established that government, and could perhaps have maintained it by constantly recalling its principle:—this, however, they failed to do. These moderate politicians could not succeed in persuading the theocrats of the restored monarchy that legitimacy, abstractly considered, means little or nothing—the rights claimed therefrom being simply prescriptive rights which only constant reiteration can preserve inviolate; also that it is "the progress of time and consent of the people" which, according to Bossuet, legalise new forms of government, and, according to Montesquieu, maintain long-established administrations. "The government most in harmony with nature," Montesquieu had said, "is that of which the special characteristic adapts itself most readily to the idiosyncrasies of the people for which it is established."

Montesquieu's royalist disciples fell with the constitutional monarchy, and France had once more to choose between "the popular and the despotic state." Democracy was surely gaining ground in this country of monarchical traditions, with its thirty millions of inhabitants,—a people whose existence was a refinement of civilisation: a people who could not conceive the

possibility of social progress apart from the progress of wealth: a commercial and manufacturing people, who delighted in luxury, and lived upon it. This democracy completely disconcerted all the ideas of the *Esprit des Lois*, and Montesquieu, who had wisely counselled his country in so many grave crises, would have failed her on this occasion, if his genius had not raised up a continuator and propagator of his views in modern France. Tocqueville represents the last remaining branch of the intellectual descendants of Montesquieu. During the Revolution, the Empire, and the Restoration, this portion of the family maintained an attitude of opposition, in which it appeared sometimes enthusiastic and sometimes indifferent, often depressed, and always uneasy. Drawn by heart and conscience towards liberty, loving it for its own sake as well as desiring it for their country, and believing, moreover, that the advent of democracy was inevitable, these prudent patriots sought to adapt this revolution to the traditions of France. They applied for help in their undertaking to the United States, remembering that their predecessors had, in the difficulty of reconciling the claims of monarchy with those of national liberty, sought the help of England.

In Tocqueville's mind—as in that of Montesquieu—there is a tendency to generalisation and dogmatism; he is rather a moralist than a legislator or a politician. As regards method and classification of subjects, his work is entirely derived from that of Montesquieu. Tocqueville has produced a great historical study, the

*Ancien Régime et la Révolution*, which corresponds to the *Considérations sur les Romains;* his *Démocratie en Amérique* answers to the *Esprit des Lois*. The impetus which he has given to historical and political studies, though less decided and brilliant than that of which Guizot was the cause in the first half of this century, has been no less productive of result. Through him Montesquieu is connected with, and influences the France of the present day, has his hold upon it, and this influence is more powerful than one would at first be inclined to suppose. As an historical and experimental influence it has gradually modified existing customs and institutions; it has conduced to the adoption of the applied mechanics of practical workers, in the place of the theoretical mechanics of Sieyès; and through its power the republic has become not only parliamentary, but persists by virtue of a constitution which is the most compact in form, the most comprehensive in application, and the most natural product of national tendencies and needs that France has yet possessed.

The influence exercised by Montesquieu in Europe equals that which he has exercised in France, and may be traced everywhere. It is the genius of the *Esprit des Lois* that seems to have inspired the greatest statesman of Germany in his work of regenerating his adopted country. Never has the ruin of a government by the corruption of its principle been more clearly shown than in the condition of the Prussian monarchy after Jena, nor has the art of raising a nation and reinstating a monarchy by

restoring and renewing its principle ever been practised with greater skill and penetration than by Baron Stein.

Thus has constitutional government reached the Continent:—carried thence by Montesquieu's book, it has been propagated by the French. The two chapters devoted to England and her constitution in the *Esprit des Lois* have therefore become a separate work, marking an epoch in the history of human societies. Great thinkers often shed a brighter lustre by reflection and by the light of their satellites than by the rays which proceed directly from themselves.

Much has been written concerning Montesquieu.* We shall hardly meet with a more comprehensive apology than Villemain's in his *Éloge* and his *Leçons sur la Littérature au XVII siècle*, or with a more prejudiced and unreasonable attack than that of Destutt de Tracy in his *Commentaire de l'Esprit des Lois.* But Tracy's

* The reader will find a history and description of the original editions of Montesquieu, and of the works that have been written upon him, at the end of M. Vian's *Histoire de Montesquieu.* I have made use of this book in considering the criticisms of MM. Brunetière and Tamizey de Larroque and the researches of M. Tourneux; I have laid under contribution the inexhaustible treasures of the *Lundis* and *Port-Royal*, and am much indebted to the useful directions and indications contained in the *Cité Antique* of M. Fustel de Coulanges, and in the *Civilisation et les Lois* of M. Funck-Brentano—particularly in Book 1 of this latter work, *Les Mœurs et les Lois: des Mœurs politiques dans les Démocraties et dans les Monarchies.*

speculative and *a priori* criticism no longer satisfies us. We take but a slight interest in the comparisons which an author may choose to institute between the works of great men and his individual theories as regards those works; such a mode of procedure supposes on the part of the critic a positive knowledge which no one possesses, and on the part of the reader an unlimited deference which none but a Bœotian could render. The object of criticism is to increase our knowledge of authors, and to explain the *raison d'être* and the real signification of their works; and M. Paul Janet in his *Histoire de la Science politique*, M. Laboulaye in the *Notices* of his large edition of Montesquieu, and M. Taine in a forcible review in his *Ancien Régime*, have shown how this fruitful method of criticism should be applied to the author of the *Esprit des Lois*. They all admire his genius, extol his system, and, on the whole, accept his conclusions.

Sainte-Beuve only accepts them conditionally, and with innumerable modifications: it is in his writings that the gravest objections which can be brought forward against Montesquieu are to be found, expressed in the most insinuating manner. Besides his personal notice of Montesquieu, Sainte-Beuve has approached him on all sides and on every opportunity in his *Lundis* and *Port-Royal*. The man attracts and the writer charms him; but the work disquiets him, the historian irritates him, and the legislator bewilders him.

As a legislator, he considers that Montesquieu places

the average man on too high a level, as he does not sufficiently believe in the primordial wickedness ever latent in mankind; that he is too ready to conceal the rags—that is, the real human stuff—beneath the social drapery; and that he allows himself to be too much influenced by merely external polish and a too great respect for humanity. Sainte-Beuve does not see that this optimism is the very foundation of the politic hygiene. How is one to direct man if one does not believe that he can be directed; how work for his improvement if one believes that he is not capable of improvement; or how urge him to effort, and thereby restore activity to his muscles, if one believes that he is hopelessly enervated and paralysed? Also, how cure a sick person, or persuade him to submit to treatment, if one begins by telling him that his strength is exhausted and his illness is incurable,—that, after all, strength and restoration are but figures of speech, as no one precisely knows what is health or what is sickness; and that, after searching analysis, we find that all which science can do is to try to prove that man is in a state of health, and all which medicine can do for him in sickness is to say, "Try to be well"?

Sainte-Beuve thinks that Montesquieu is, as an historian, too little cognisant of the inconsistencies of men and the caprices of fortune. He considers that Montesquieu too deliberately simplifies and arranges—thereby excluding the action of chance; that he selects certain episodes from the *mêlée*, connects and gives them

the semblance of a rationality which they do not possess ; that he takes account only of events which have been productive of effect, leaving aside all others; and that of a thousand ways by which an event might have been developed, he notices but one—the actual means of its development. He suppresses the unexpected, and disregards "the truth of the intrigue and hypocrisy of man"; desiring to discover the great highways, he merely directs his own, " his great royal roads," through the most obvious channel. Apart from Providence, whose secrets are undiscoverable, the moving-springs in this world of confusion are, according to the author of *Port-Royal*, strength, skill, and chance. Pascal saw the Fronde, meditated upon the English Revolution, sought to determine the cause of all things, and he was everywhere confronted by chance—Cleopatra's nose or Cromwell's grain of sand. This great thinker arrived at the conclusion to which we must all come. So much for the men who desire to lead their fellows; as for those whom they think they lead—the multitude,—these actually perform the great achievements, though they know it not. Great revolutions and brilliant victories are the work of unconscious actors, who involuntarily accomplish that of which they have no cognisance.

Such are the objections. The mystic and the Epicurean, the dogmatist and the sceptic—Pascal and Montaigne, Hobbes and La Rochefoucauld—meet here, and, without in the least agreeing, make common cause together. Frederick favoured this Pyrrhonism; he had

reasons for quietly inclining to the ironical doctrine which teaches that fact in this world must "justify itself as it best may." "People usually have superstitious ideas on the great revolutions of empires," said he; "but when one is behind the scenes one sees that as a general rule the most wonderful effects are produced by common means and by ignominious beings . . . ." To be behind the scenes—this is the vanity of the world. How many chroniclers have attributed great effects to slight causes for no other reason than that they might boast of having perceived them! Voltaire believed in Frederick's idea, and Frederick moulded Voltaire to his wishes by persuading him that he was serving fortune;—the philosopher gloried in this, and the king treated him—as famous leaders of men are accustomed to treat their dupes—as a political tool. In this universal sifting, what could remain of Frederick himself, of his campaigns and of his policy? Montesquieu confounds him in one word by recalling him to himself and to his fame: "Fortune has not this kind of constancy."

As with phenomena in nature, so is it with phenomena in history: chance alone cannot produce their repetition and succession under precisely similar conditions. There are laws in this succession; facts are not simply consistent and isolated, but they hold together and are mutually related. Chance can only order the form of the event. A river flows from a mountain in the direction of the sea: a rock may slightly alter its course, but cannot make the waters reascend to their source,

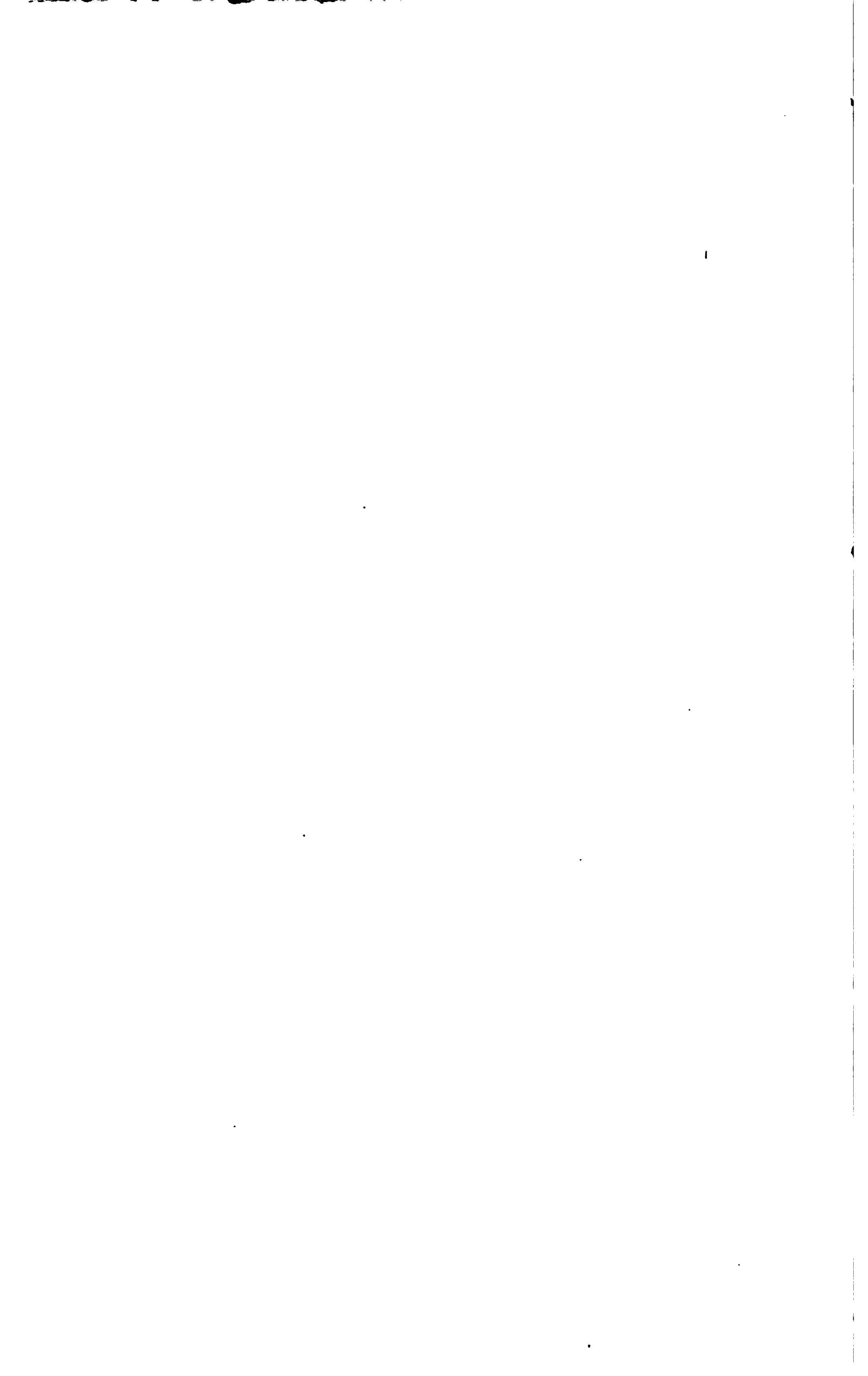


and in no way alters its general direction, which is determined by the movements of the soil. Above the action of individuals—the isolated human cause, there is the action of societies—the combination of accumulated individual causes. This is the *allure principale*, the mainspring to which all particular accidents are subordinate: thus, if Cæsar had not existed, another would have taken the place of Cæsar. Montesquieu never showed this more clearly than by the following example: "It was so impossible that the republic should be restored, that that happened which had never before been seen: there remained neither tyrant nor liberty. The causes which had produced its destruction were still in existence."

The historian determines and develops these causes. He is supposed to follow the highroads of history, which are also national and popular roads. Man has travelled on these roads; the historian shows us the traces of his journeyings. Why leave them to wander among the byways? Why ascend every hill, and vainly exhaust oneself in trying to discover the track of all previous wanderers? The first pedestrians who crossed the mountains followed the course of the mountain torrents; the paths they made were converted into roads—highways took the place of those roads, and now side by side with these run the railways.

Between Montaigne and Pascal—the excess of human irony and the abasement of self-annihilated reason—there is space for silence, reflection, and common-sense.

Montesquieu's place is here. He is above all, both politically and socially, a gentleman—a man to whom nothing human is strange, who seeks to know himself, that he may more thoroughly know others, and who strives to show men their condition, that he may teach them how to make it more endurable. His writings live, because they are historical and founded on observations of nature. His general views are just—this is the important point; errors of detail signify little. Villemain has very well said, that "in a work of this nature such errors are of no more importance than the fractions in a great calculation." Montesquieu has left us something more than precepts; he has left a method which enables us to develop his thought and apply it to contingencies that he could not foresee. He exercised a deep and permanent influence in his own time, and is full of teaching for ours. His name is associated with many of the most excellent reforms which this century has seen in France, and he is the representative of the French spirit in all its clearness, breadth, generosity, and wisdom.



# NOTES.

CHAPTER I.

(Page 10, line 25.) *Characteristic of Vauban and Catinat.* "Vauban, le plus honnête homme de son siècle, le plus simple, le plus vrai, le plus modeste . . . . incapable de se porter à rien de faux, ni de mauvais." (Saint-Simon.)

(Catinat) "Philosophe dans la véritable acception du mot, religieux sans austérité, courtisan sans intrigues, négligeant sa fortune, et toujours prêt à donner." (Fiévée, *Biog. Universelle.*)

(P. 11, l. 4). *That the poor are his brothers.* See Montaigne, *Essais,* ii, 8.

(P. 12, l. 16.) *The Society of the Temple.* A reunion of poets, wits, and *grands seigneurs,* who met usually at the palace of the Temple in Paris, under the presidency of the Prince de Vendôme, grand-prior. He and his brother, the Duke de Vendôme, set before their guests an example of the grossest debauchery and of the most unblushing impudence. These meetings took place during the last years of the seventeenth century, and at the beginning of the eighteenth; the poet La Fontaine has described one of them in a letter to the Duke de Vendôme (Sept. 1689). La Fare, Chaulieu, Sainte-Aulaire, and several other distinguished writers, besides a considerable number of questionable *abbés,* belonged to the *Société du Temple.*

(P. 13, l. 13.) The *Basoche.* This expression, here applied by contempt to the law, originally designated a corporation of lawyers' clerks established by Philip the Fair, King of France. (*Etym.,* L. Basilica.)

(P. 18, l. 17.) *Sainte-Beuve.* See his *Causeries du Lundi*, vol. vii.

(P. 21, l. 28.) *Hénault . . . . de Brosses.* These two antiquaries and critics were almost as celebrated for the brilliancy of their wit, and the occasional *décolleté* style of their conversation, as for their real literary talent. It is reported of Hénault that, becoming converted towards the end of his life, and having made a full confession of his sins, he exclaimed: "On n'est jamais si riche que quand on déménage."

(P. 26, l. 27.) *Manon Lescaut*, the celebrated novel of the Abbé Prévost. The vigour with which the passion of love is delineated, and the genuine accent of truth which prevails throughout that extraordinary book, are the only causes of the interest we cannot help feeling in the adventures of two worthless characters—a swindler and a courtesan.

## CHAPTER II.

(P. 28, l. 10.) *Evocation:* the act by which a high court of justice assumed the right of trying certain special cases which would naturally have come before inferior tribunals.

(P. 31, l. 6.) *Don Juan . . . . Tartuffe.* See Molière's plays.

(P. 32, l. 14.) *Montesquieu borrowed from Dufresny* (*Charles Rivière*), 1648-1724. The work of Dufresny, from which Montesquieu was supposed to have borrowed the idea of the *Lettres Persanes*, is entitled *les Amusements Sérieux et Comiques d'un Siamois* (Paris, 1707, 12mo).

(P. 16, l. 17.) . . . . *this traveller's pleasant chronicles.* The title of Chardin's work is *Journal des Voyages du Chevalier Chardin en Perse, et aux Indes Orientales* (Amsterdam, 1711, 3 vols. 4to, and 10 vols. 12mo).

(P. 34. l. 4.) . . . . *of anticipated Triboulets.* See Victor Hugo's play, *le Roi s'amuse.*

(P. 16, l. 8.) *The education of Saint-Preux.* The hero of Rousseau's novel, *la Nouvelle Héloïse.*

(P. 37, l. 6.) *Prototypes of Lovelace and Valmont.* See Richardson's *Clarissa Harlowe*, and Laclos's *Chevalier de Faublas.*

(P. 16, l. 15.) *Don Louis's harangue to Don Juan, and*

*the solemn remonstrance of the father of "le Menteur."* In Molière's *Festin de Pierre* (iv, 4), the address of Don Luis is justly considered one of the most remarkable specimens of honest and legitimate indignation. Respecting the *remontrance* in Corneille's play, *le Menteur* (v, 3), Voltaire truly observes : "Dans la scène où Géronte fait rougir son fils du vice auquel il s'abandonne, on retrouve la même main qui peignit le vieil Horace et Don Diègue."

(P. 40, l. 2.) . . . . *akin to those of Rousseau and Mably.* See especially Mably's *Entretiens de Phocion*, and Jean Jacques Rousseau's *Contrat Social.*

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Amongst many appreciations of the *Lettres Persanes* by English critics, we have selected the following one :—"It is not too much to say that the entire spirit of the *philosophe* movement in its more moderate form is contained and anticipated in the *Lettres Persanes.* All the weaknesses of France in political, ecclesiastical, and social arrangements are here touched on with a light but sure hand, and the example is thus set of attacking 'les grands sujets.' From a literary point of view the form of this work is at least as remarkable as the matter. Voltaire himself is nowhere more witty, while Montesquieu has over his rival the indefinable but unquestionable advantage of writing more like a gentleman. There is no single book in which the admirable capacity of the French language for jesting treatment of serious subjects is better shown than in the *Lettres Persanes.*" (Saintsbury, *A Short History of French Literature.*)

## CHAPTER III.

(P. 46, l. 20.) *The Temple de Gnide.* "This is half a narrative, half an allegory, in the semi-classical, or rather pseudo-classical taste of the time, decidedly frivolous and dubiously moral, but of no small elegance in its peculiar style." (*Encyclopædia Britannica*, i, 6.)

(P. 51, l. 1.) *The Earl of Waldegrave.* "With unbounded benevolence, and the most flowing courtesy to all men, Lord Waldegrave, whose penetration no weakness could escape,

nor art impose upon, though vice he overlooked, and only abstained sometimes from connecting with black and bad men . . . . possessed sound sense and respectable abilities. He was highly esteemed by his contemporaries, and few men have passed through life, and above all, public life, with a character so entirely unblemished." (Walpole's *Memoirs of the Reign of George III*, vol. i, pp. 267, 268.)

(P. 53, l. 12.) *Bonneval, who was preparing to put into practice the "Lettres Persanes."* Bonneval's life is most interesting. After serving in turns France and Austria, and compromising himself by his impertinence and his disagreeable temper, he offered his services to the Porte, professed the Mahomedan faith, and took the name of Achmet. He was made a pasha of three tails, and appointed to the command of the artillery. He rendered valuable services to the Sultan in his war with Russia, and with the famous Kouli Khan. See on him an amusing article in Sainte-Beuve's *Causeries du Lundi*, vol. v.

## CHAPTER IV.

(P. 71, l. 6.) . . . . *during the remainder of his life.* "In 1734, this remarkable man published what may be truly called the first book in which there can be found any information concerning the real history of Rome; because it is also the first in which the affairs of the ancient world are treated in a large and comprehensive spirit" (Buckle, *History of Civilisation*, vol. i). "The *Grandeur et Décadence des Romains* is as original as the *Principia*, and laid the foundation of a science as sublime, and perhaps still more important to man, than the laws of the planetary bodies" (Alison, *Essays*).

## CHAPTER V.

(P. 89, l. 5.) . . . *lettres de cachet*, otherwise called *lettres closes*, by opposition to the *lettres patentes.* They were so folded that it was impossible to open them without breaking

the seal. Signed by the king, and countersigned by one of the secretaries of state, they generally contained a sentence of exile or of imprisonment against the persons to whom they were addressed.

## Chapter VI.

(P. 107, l. 17.) *Loi des suspects*, passed by the Convention, Nov. 17, 1793.—*Loi des otages*, directed against the royalists; passed July 12, 1799; cancelled Nov. 16 following, a few days after the 18th Brumaire.

(P. 113, ll. 8-10.) *Régie . . . gabelle . . . maltôte . . . traitants. Régie:* interference on the part of the state in the execution of public works.—*Gabelle:* the salt tax, the most arbitrary and odious of all (from the Saxon *gapel* or *gavel* = tribute).—*Maltôte* (from the L. L. *mala tolta*, badly or unfairly raised): originally a tax raised on the cities; subsequently all kinds of taxes.—*Traitant:* a collector of the taxes, so called on account of the *traite* (agreement) he had to make with the farmers-general of the revenue.

## Chapter VII.

(P. 121, l. 26.) . . . . *the wiliness of Normans.* Normandy was called *Pays de Sapience*, originally on account of the wisdom of Rollo's laws, and afterwards because of the prudent and even suspicious character of the Normans.

(P. 121, l. 27.) . . . . *nor Germ in quarrels* . . . . *Querelle d'Allemand.* A quarrel which nothing justifies, arising from trifles.

(P. 125, l. 24.) . . . . *à la Broussais.* Broussais (Victor), 1772-1838; celebrated French physician, enthusiastically fond of bleeding his patients.

(P. 137, l. 21.) . . . . *the right of "lods."* A due paid by the vassal to the lord when he sold any of his property.

(P. 137, l. 22.) . . . . *that of garde-noble*, that is to say, the right of the suzerain to protect the fief belonging to his vassal when a minor. In that quality he enjoyed the revenues of the fief.

(P. 137, l. 25.) . . . . *the branch of the family to which it belongs.* "Les propres ne remontent point," says the jurist Loysel, "mais retournent aux plus proches parents du côté dont ils sont venus au defunt."

## CHAPTER VIII.

(P. 147, l. 28.) . . . . *they profited by it.* "The immense merit of the *Spirit of Laws* is, indeed, incontestable, and cannot be affected by the capricious attempts made to diminish it by those minute critics, who seem to think that when they detect the occasional errors of a great man, they in some degree reduce him to their own level. It is not such petty cavilling which can destroy an European reputation; and the noble work of Montesquieu will long survive all attacks of the kind, because its large and suggestive generalisations would retain their value even if the particular facts of which the illustrations consist were all unfounded. Still, I am inclined to believe, that in point of original thought it is barely equal to his earliest work (*Considérations sur les Romains*), though it is unquestionably the fruit of much greater reading . . . . This was the first great merit of Montesquieu, that he effected a complete separation between biography and history, and taught historians to study, not the peculiarities of individual character, but the general aspect of the society in which the peculiarities appeared . . . . In addition to this, Montesquieu made another great advance in the method of creating history. He was the first who, in an inquiry into the relations between the social conditions of a country and its jurisprudence, called in the aid of physical knowledge in order to ascertain how the character of any given civilisation is modified by the actions of the external world." (Buckle, *History of Civilisation*, i, 754, 755).

## CHAPTER X.

(P. 173, l. 30.) . . . . *dans les monarchies.* We have already quoted in these notes several extracts from English works on Montesquieu. Further appreciations or mentions of this

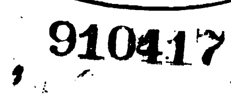
great writer will be found in the essays, letters, etc., of Sir James Mackintosh, Lord Jeffrey, Gibbon, H. Walpole, Lord Brougham, and others.

The *Esprit des Lois* was translated into English by Nugent, with an index, 6th edit., 1793. That part of the work which related to the constitution of England has been translated and published separately by Baron Masères, Lond., 1781. Complete works of Montesquieu, translated from the French, Lond., 1777, 4 vols. 8vo.

# INDEX.

24


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